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STATE OF NORTH CAROLINA

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1943

SESSION LAWS AND RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

REGULAR SESSION

HELD IN THE CITY OF RALEIGH

BEGINNING ON

WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1943

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PUBLISHED BY AUTHORITY

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CHARLOTTE

THE OBSERVER PRINTING HOUSE, INC.

1943



# OFFICIAL REGISTER FOR 1943-1945

## LEGISLATIVE DEPARTMENT

R. L. HARRIS.....	President of the Senate.....	Wake
JOHN KERR, JR.....	Speaker of House of Representatives.....	Warren

## EXECUTIVE DEPARTMENT

J. MELVILLE BROUGHTON.....	Governor.....	Wake
R. L. HARRIS.....	Lieutenant-Governor.....	Person
*THAD EURE.....	Secretary of State.....	Hertford
*GEORGE ROSS POU.....	Auditor.....	Johnston
*CHARLES M. JOHNSON.....	Treasurer.....	Pender
*CLYDE A. ERWIN.....	Superintendent of Public Instruction.....	Rutherford
HARRY McMULLAN.....	Attorney-General.....	Beaufort

\*Constitute Council of State (The Attorney-General is the legal adviser of the Executive Department).

## JUDICIAL DEPARTMENT

### SUPREME COURT

W. P. STACY.....	Chief Justice.....	*Raleigh
MICHAEL SCHENCK.....	Associate Justice.....	*Raleigh
W. A. DEVIN.....	Associate Justice.....	*Raleigh
M. V. BARNHILL.....	Associate Justice.....	*Raleigh
J. WALLACE WINBORNE.....	Associate Justice.....	*Raleigh
A. A. F. SEAWELL.....	Associate Justice.....	*Raleigh
E. B. DENNY.....	Associate Justice.....	*Raleigh
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DILLARD S. GARDNER.....	Marshal.....	Raleigh
ADRIAN J. NEWTON.....	Clerk.....	Raleigh
JOHN M. STRONG.....	Reporter.....	Raleigh

\*Official (not legal) residence.

### SUPERIOR COURT JUDGES

C. EVERETT THOMPSON.....	First District.....	Elizabeth City
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R. HUNT PARKER.....	Third District.....	Roanoke Rapids
CLAWSON L. WILLIAMS.....	Fourth District.....	Sanford
J. PAUL FRIZZELLE.....	Fifth District.....	Snow Hill
HENRY L. STEVENS, JR.....	Sixth District.....	Warsaw
W. C. HARRIS.....	Seventh District.....	Raleigh
J. J. BURNEY.....	Eighth District.....	Wilmington
Q. K. NIMOCKS, JR.....	Ninth District.....	Fayetteville
LEO CARR.....	Tenth District.....	Burlington
J. H. CLEMENT.....	Eleventh District.....	Walkertown
H. HOYLE SINK.....	Twelfth District.....	Greensboro
F. D. PHILLIPS.....	Thirteenth District.....	Rockingham
WILLIAM H. BOBBITT.....	Fourteenth District.....	Charlotte
FRANK M. ARMSTRONG.....	Fifteenth District.....	Troy
WILSON WARLICK.....	Sixteenth District.....	Newton
J. A. ROUSSEAU.....	Seventeenth District.....	North Wilkesboro
J. W. PLESS, JR.....	Eighteenth District.....	Marion
ZEB V. NETTLES.....	Nineteenth District.....	Asheville
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LUTHER HAMILTON.....	.....	Morehead City
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RICHARD D. DIXON.....	.....	Edenton
CLARENCE E. BLACKSTOCK.....	.....	Asheville

### EMERGENCY JUDGES

H. A. GRADY.....	.....	New Bern
G. V. COWPER.....	.....	Kinston

398604

## SOLICITORS OF THE SUPERIOR COURTS

First District	Chester R. Morris	Currituck-Currituck
Second District	Donnell Gilliam	Edgecombe-Tarboro
Third District	E. R. Tyler	Bertie-Roxobel
Fourth District	W. Jack Hooks	Johnston-Kenly
Fifth District	D. M. Clark	Pitt-Greenville
Sixth District	J. Abner Barker	Sampson-Roseboro
Seventh District	William Y. Bickett	Wake-Raleigh
Eighth District	Clifton L. Moore	Pender-Burgaw
Ninth District	F. E. Carlyle	Robeson-Lumberton
Tenth District	Wm. H. Murdock	Durham-Durham
Eleventh District	J. Erle McMichael	Forsyth-Winston-Salem
Twelfth District	J. Lee Wilson	Davidson-Lexington
Thirteenth District	Edward H. Gibson	Scotland-Laurinburg
Fourteenth District	J. G. Carpenter	Gaston-Gastonia
Fifteenth District	Chas. L. Coggin	Rowan-Salisbury
Sixteenth District	L. S. Spurling	Caldwell-Lenoir
Seventeenth District	A. E. Hall	Yadkin-Yadkinville
Eighteenth District	C. O. Ridings	Rutherford-Forest City
Nineteenth District	James S. Howell	Buncombe-Asheville
Twentieth District	John M. Queen	Haywood-Waynesville
Twenty-first District	R. J. Scott	Stokes-Danbury

## HEADS OF ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

(Elective)

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DEPARTMENT OF INSURANCE  
WILLIAM P. HODGES, Commissioner ..... Martin

DEPARTMENT OF LABOR  
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(Appointive)

ADJUTANT GENERAL  
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JOHN BRAY, Superintendent ..... Wake

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MRS. W. T. BOST, Commissioner ..... Wake

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R. BRUCE ETHERIDGE, Director ..... Dare

STATE BOARD OF ELECTIONS  
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STATE EMPLOYMENT SERVICE  
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INDUSTRIAL COMMISSION  
T. A. WILSON, Chairman ..... Forsyth

# OFFICIAL REGISTER

V

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MISS MARJORIE BEAL, Secretary	Wake	
STATE LIBRARY		
MISS CARRIE L. BROUGHTON, Librarian	Wake	
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\*Address: Durham, N. C.  
All other official addresses—Raleigh, N. C.

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DEAN OF ADMINISTRATION—STATE COLLEGE UNIT		
J. W. HARRELSON	Raleigh	
DEAN OF ADMINISTRATION—WOMAN'S COLLEGE UNIT		
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S. G. HAWFIELD	Concord	
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DR. L. D. ABERNETHY, Secretary.....	STATE BOARD OF CHIROPODY EXAMINERS	Charlotte

\*Died March 8, 1943.

NORTH CAROLINA STATE BOARD OF CHIROPRACTIC EXAMINERS		Rocky Mount
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NORTH CAROLINA BOARD OF VETERINARY MEDICAL EXAMINERS		High Point
DR. P. C. McLAIN, Secretary	-----	

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IN OTHER STATES

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ELLIOTT B. CLARK	December 30, 1944	Portsmouth, Virginia
JEREMIAH J. MAHER	September 13, 1944	New York, N. Y.

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JOSIAH W. BAILEY	-----	Raleigh
ROBERT R. REYNOLDS	-----	Asheville

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HERBERT C. BONNER	-----	First District	-----	Washington
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W. O. BURGIN	-----	Eighth District	-----	Lexington
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ZEBULON WEAVER	-----	Twelfth District	-----	Asheville

## GENERAL ASSEMBLY, 1943

### SENATE OFFICERS

NAME	POSITION	COUNTY
R. L. HARRIS.....	President.....	Person
J. HAMPTON PRICE.....	President pro tem.....	Rockingham
S. RAY BYERLY.....	Principal Clerk.....	Lee
JOHN W. McDEVITT.....	Reading Clerk.....	Jackson
HERMAN SCOTT.....	Sergeant-at-arms.....	Chatham

### SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	MERRILL EVANS.....	Hertford.....	Aboskie
1	HERBERT LEARY.....	Chowan.....	Edenton
2	E. A. DANIEL.....	Beaufort.....	Washington
2	HUGH G. HORTON.....	Martin.....	Williamston
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4	W. G. CLARK.....	Edgecombe.....	Tarboro
4	D. MAC JOHNSON.....	Halifax.....	Enfield
5	J. C. LANIER.....	Pitt.....	Greenville
6	JOSEPH C. EAGLES.....	Wilson.....	Wilson
6	VAN S. WATSON.....	Nash.....	Rocky Mount
7	JOHN D. LARKINS, JR.....	Jones.....	Trenton
7	K. A. PITTMAN.....	Greene.....	Snow Hill
8	J. B. BENTON.....	Johnston.....	Benson
8	THOMAS O'BERRY.....	Wayne.....	Goldsboro
9	RIVERS D. JOHNSON.....	Duplin.....	Warsaw
9	J. E. L. WADE.....	New Hanover.....	Wilmington
10	R. C. HARRELSON.....	Columbus.....	Tabor City
10	J. W. RUARK.....	Brunswick.....	Southport
11	CARSON M. BARKER.....	Robeson.....	Lumberton
12	L. M. CHAFFIN.....	Harnett.....	Lillington
12	WILBUR H. CURRIE.....	Moore.....	Carthage
13	L. Y. BALLENTINE.....	Wake.....	Varina
13	WADE BARBER.....	Chatham.....	Pittsboro
14	E. C. BROOKS, JR.....	Durham.....	Durham
14	JOHN S. WATKINS.....	Granville.....	Oxford, Rt. 4
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21	A. B. PALMER.....	Cabarrus.....	Concord
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23	RAYMOND SMITH.....	Surry.....	Mt. Airy
24	B. C. BROCK (R).....	Davie.....	Mocksville
25	WILLIAM A. GRAHAM.....	Lincoln.....	Iron Station
25	HUGH G. MITCHELL.....	Iredell.....	Statesville
26	R. G. CHERRY.....	Gaston.....	Gastonia
27	WADE B. MATHENY.....	Rutherford.....	Forest City
27	Lee B. WEATHERS.....	Cleveland.....	Shelby
28	MAX C. WILSON.....	Caldwell.....	Lenoir
29	H. GRADY FARTHING.....	Watauga.....	Boone
30	CHAS. L. BROWN (R).....	Yancey.....	Burnsville
31	BRANDON P. HODGES.....	Buncombe.....	Asheville
32	J. T. BAILEY.....	Haywood.....	Canton
32	Mrs. E. L. MCKEE.....	Jackson.....	Sylva
33	E. B. WHITAKER.....	Swain.....	Bryson City

# GENERAL ASSEMBLY

## HOUSE OFFICERS

NAME	POSITION	COUNTY
JOHN KERR, JR. ....	Speaker .....	Warren
SHEARON HARRIS .....	Principal Clerk .....	Stanly
RALPH MONGER .....	Reading Clerk .....	Lee
H. L. JOYNER .....	Sergeant-at-arms .....	Northampton

## REPRESENTATIVES

NAME	ADDRESS	COUNTY
WALTER R. SELLARS .....	Burlington .....	Alamance
HAYDEN DEAL (R) .....	Taylorsville .....	Alexander
DR. T. ROY BURGESS .....	Sparta .....	Alleghany
U. B. BLALOCK .....	Wadesboro .....	Anson
FRED BLEVINS (R) .....	West Jefferson .....	Ashe
MACK McCOURY (R) .....	Senia .....	Avery
BRYAN GRIMES .....	Washington .....	Beaufort
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A. B. STONEY .....	Morganton .....	Burke
E. T. BOST, JR. ....	Concord .....	Catawba
J. CARLYLE RUTLEDGE .....	Kannapolis .....	Catawba
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JOHN A. WOODS .....	Yanceyville, S. Rt. ....	Caswell
HARLEY F. SHUFORD .....	Hickory .....	Catawba
WADE H. PASCHAL .....	Siler City .....	Chatham
MRS. G. W. COVER, SR. ....	Andrews .....	Cherokee
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GEORGE W. CHERRY .....	Hayesville .....	Clay
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H. G. AVANT .....	Whiteville .....	Columbus
D. L. WARD .....	New Bern .....	Craven
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G. C. BOSWOOD .....	Gregory .....	Currituck
D. B. FEARING .....	Manteo .....	Dare
DR. J. A. SMITH .....	Lexington .....	Davidson
R. V. ALEXANDER (R) .....	Coolescence .....	Davie
C. E. QUINN .....	Kenansville .....	Duplin
OSCAR G. BARKER .....	Durham .....	Durham
S. C. BRAWLEY .....	Durham .....	Durham
Ben E. FOUNTAIN .....	Rocky Mount .....	Edgecombe
REX GASS .....	Winston-Salem .....	Forsyth
F. L. GOBBLE .....	Winston-Salem .....	Forsyth
GARDNER HUDSON .....	Winston-Salem .....	Forsyth
WILLIE LEE LUMPKIN .....	Louisburg .....	Franklin
DAVID P. DELLINGER .....	Cherryville .....	Gaston
S. B. DOLLEY .....	Gastonia .....	Gaston
W. J. ROUNTREE .....	Hobbsville .....	Gates
GURLEY STEWART (R) .....	Robbinsville .....	Graham
FRANK W. HANCOCK, JR. ....	Oxford .....	Granville
A. C. EDWARDS .....	Hockerton .....	Greene
SHELLEY B. CAVENESS .....	Greensboro .....	Guilford
ROBERT MOSELEY .....	Greensboro .....	Guilford
CLYDE A. SHREVE .....	Stokesdale .....	Guilford
THOMAS TURNER, JR. ....	Greensboro .....	Guilford
B. B. EVERETT .....	Palmyra .....	Halifax
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GLENN C. PALMER .....	Clyde .....	Haywood
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J. N. VANN .....	Ahoskie .....	Hertford
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DAN TOMPKINS .....	Sylva .....	Jackson
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LAWRENCE H. WALLACE .....	Smithfield .....	Johnston
R. P. BENDER .....	Pollocksville .....	Jones

## GENERAL ASSEMBLY

## REPRESENTATIVES—CONTINUED

NAME	ADDRESS	COUNTY
W. E. HORNER	Sanford	Lee
F. E. WALLACE	Kinston	Lenoir
JAS. A. ABERNETHY, JR.	Lincolnton	Lincoln
DR. W. A. ROGERS	Franklin	Macon
DR. J. H. HUTCHINS (R)	Marshall	Madison
CLARENCE W. GRIFFIN	Williamston	Martin
J. C. RABB	Marion, Rt. 4	McDowell
H. I. McDOUGLE	Charlotte	Mecklenburg
MARVIN LEE RITCH	Charlotte	Mecklenburg
FRANK K. SIMS, JR.	Charlotte	Mecklenburg
ED. T. TONISSEN	Charlotte	Mecklenburg
JETER C. BURLESON (R)	Bakersville	Mitchell
G. T. McAULAY, JR.	Mt. Gilead	Montgomery
J. HAWLEY POOLE	West End	Moore
THOMAS J. PEARSALL	Rocky Mount	Nash
R. M. KERMON	Wilmington	New Hanover
H. R. HARRIS	Seaboard	Northampton
W. J. (BILLY) ARTHUR	Jacksonville	Onslow
JOHN W. UMSTEAD, JR.	Chapel Hill	Orange
E. S. ASKEW	Oriental	Pamlico
LORIMER MIDGETT	Elizabeth City	Pasquotank
ROY ROWE	Burgaw	Pender
W. W. WHITE	Hertford	Perquimans
ROBERT P. BURNS	Roxboro	Person
DR. W. I. WOOTEN	Greenville	Pitt
SAM O. WORTHINGTON	Greenville	Pitt
W. H. McDONALD	Mill Spring	Polk
A. I. FERREE (R)	Asheboro	Randolph
EARL GREENE	East Rockingham	Richmond
JOHN PAT BUIE	Red Springs	Robeson
I. P. GRAHAM	Proctorville	Robeson
T. CLARENCE STONE	Stoneville	Rockingham
KERR CRAIG RAMSAY	Salisbury	Rowan
GEORGE R. UZZELL	Salisbury	Rowan
R. E. PRICE	Rutherfordton	Rutherford
CHAS. F. HONEYCUTT (R)	Clinton	Sampson
O. L. MOORE	Laurinburg	Scotland
J. J. MORTON (R)	Albemarle	Stanly
WILLIAM F. MARSHALL	Walnut Cove	Stokes
HENRY C. DORSON	Elkin	Surry
MCKINLEY EDWARDS	Bryson City	Swain
M. W. GALLOWAY	Brevard	Transylvania
C. EARL COHON	Columbia	Tyrrell
O. L. RICHARDSON	Monroe	Union
IRVINE B. WATKINS	Henderson	Vance
ARCH T. ALLEN	Raleigh	Wake
J. LEROY ALLEN	Raleigh	Wake
WILLIAM T. HATCH	Raleigh	Wake
JOHN KERR, JR.	Warrenton	Warren
BEN A. SUMNER	Plymouth	Washington
TOM JACKSON	Boone, R.F.D.	Watauga
W. FRANK TAYLOR	Goldsboro	Wayne
T. E. STORY (R)	Wilkesboro	Wilkes
LARRY I. MOORE, JR.	Wilson	Wilson
R. B. LONG (R)	Boonville	Yadkin
DR. W. L. BENNETT	Burnsville	Yancey

## ENROLLING AND INDEXING DEPARTMENTS

NAME	POSITION	POST OFFICE
JOE W. GARRETT	Enrolling Clerk	Reidsville, N. C.
CARROLL W. WEATHERS	Indexer of Laws	Raleigh, N. C.

CONSTITUTION  
OF THE  
State of North Carolina

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PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. *The equality and rights of men.* That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and policies thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of the law, and consistently with the Constitution of the United States.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all

attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.

Paramount allegiance to the U. S. Government.

SEC. 5. *Of allegiance to the United States government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt; bonds issued under ordinance of Convention of 1868, 1868-'69, 1869-'70 declared invalid.

SEC. 6. *Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Exception.

Exclusive emoluments, etc.

SEC. 7. *Exclusive emoluments, etc.* No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. *Of the power of suspending laws.* All powers of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Election free.

SEC. 10. *Elections free.* All elections ought to be free.

In criminal prosecutions.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with

other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment.

Answers to criminal charges.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

Right of trial by jury.

SEC. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

Excessive bail.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

General warrants.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

Imprisonment for debt.

SEC. 17. *No persons taken, etc., but by law of the land.* No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

No person taken, etc., but by law of the land.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Persons restrained of liberty.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

Controversies at law respecting property.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Freedom of the press.

SEC. 21. *Habeas corpus.* The privileges of the writ of *habeas corpus* shall not be suspended.

*Habeas corpus.*

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Property qualification.

Representation and taxation.

SEC. 23. *Representation and taxation.* The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Militia and the right to bear arms.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothin herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Right of the people to assemble together

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberty of a free people, and should not be tolerated.

Religious liberty.

SEC. 26. *Religious liberty.* All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. *Education.* The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Recurrence to fundamental principles.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Hereditary emoluments, etc.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

Perpetuities, etc.

SEC. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed.

*Ex post facto* laws.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within the State. Slavery prohibited.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are. State boundaries.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Courts shall be open.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law. Soldiers in time of peace.

SEC. 37. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people. Other rights of the people.

## ARTICLE II

### LEGISLATIVE DEPARTMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives. Two branches.

SEC. 2. *Time of assembling.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present. Time of assembling.

SEC. 3. *Number of Senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot. Number of senators.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so called by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators. Regulations in relation to districting the State for senators.

SEC. 5. *Regulations in relation to apportionment of representatives.* The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to Regulations in relation to apportionment of representatives.

their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the districts of the Senate are hereinbefore directed to be laid off.

Ration of representation.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing two but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

Qualifications for senators.

SEC. 7. *Qualifications for senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Qualifications for representatives.

SEC. 8. *Qualifications for representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Election of officers.

SEC. 9. *Election of officers.* In the election of all officers whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce*.

Powers in relation to divorce and alimony.

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Private laws in relation to names of persons, etc.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Thirty days' notice shall be given anterior to passage of private laws.

SEC. 12. *Thirty days' notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty

days' notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. *Vacancies.* If vacancies shall occur in the General Assembly by death, resignation, or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law. Vacancies.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal. Revenue.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities. Entails.

SEC. 16. *Journals.* Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly. Journals.

SEC. 17. *Protest.* Any member of either House may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal. Protest.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers. Officers of the House.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided. President of the Senate.

SEC. 20. *Other senatorial officers.* The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor. Other senatorial officers.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.

SEC. 22. *Powers of the General Assembly.* Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day, or other place. Powers of the General Assembly.

Bills and resolutions to be read three times, etc.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

Oath of members.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath of affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Terms of office.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Yeas and nays.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Election for members of the General Assembly.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. (Changed to Tuesday after first Monday in November. c. 275—1876.)

Pay of members and officers of the General Assembly.

SEC. 28. *Pay of members and officers of the General Assembly.* The members of the General Assembly for the term of their office shall receive a salary for their services of six hundred dollars each. The salaries of the presiding officers of the two Houses shall be seven hundred dollars each: *Provided*, that in addition to the salaries herein provided for, should an extra session of the General Assembly be called, the members shall receive eight dollars per day each, and the presiding officers of the two Houses ten dollars per day each, for every day of such extra session not exceeding twenty days; and should an extra session continue more than twenty days, the members and officers shall serve thereafter without pay.

Limitations upon power of General Assembly to enact private or special legislation.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or dis-

continuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private, or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

Inviolability of sinking funds.

ARTICLE III

EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; terms of office.* The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Officers of the Executive Department.

Terms of office.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Qualifications of Governor and Lieutenant-Governor.

Returns of  
election.

SEC. 3. *Returns of election.* The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office  
for Governor.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

Duties of  
Governor.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Reprieves, com-  
mutations and  
pardons.

SEC. 6. *Reprieves, commutations, and pardons.* The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor.

Annual reports  
from officers  
of Executive  
Department and  
of public insti-  
tutions.

SEC. 7. *Annual reports from officers of Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Commander-  
in-chief.

SEC. 8. *Commander-in-chief.* The Governor shall be Commander-in-chief of the militia of the State, except when they shall be called into the service of the United States.

Extra sessions  
of General  
Assembly.

SEC. 9. *Extra sessions of General Assembly.* The Governor shall have power, on extraordinary occasions, by and with

the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate, and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant-Governor.

SEC. 12. *In case of impeachment of Governor, or vacancy caused by death or resignation.* In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

In case of impeachment of Governor, or vacancy caused by death or resignation.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Duties of other executive officers.

Council of State.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of executive officers.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," and signed by the Governor, and countersigned by the Secretary of State.

Department of Agriculture, Immigration and Statistics.

SEC. 17. *Department of Agriculture, Immigration, and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Department of Justice.

SEC. 18. The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney-General, and to enact suitable laws defining the authority of the Attorney-General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

## ARTICLE IV

### JUDICIAL DEPARTMENT

Abolishes the distinction between actions at law and suits in equity.

SECTION 1. *Abolishes the distinction between actions at law and suits in equity, and feigned issues.* The distinction between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party, against

a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the facts at issue tried by order of court before a jury.

Feigned issues abolished.

SEC. 2. *Division of judicial powers.* The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Division of judicial powers.

SEC. 3. *Trial court of impeachment.* The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of impeachment.

SEC. 4. *Impeachment.* The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

SEC. 5. *Treason against the State.* Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. *Supreme Court.* The Supreme Court shall consist of a Chief Justice and four Associate Justices. The General Assembly may increase the number of Associate Justices to not more than six, when the work of the Court so requires. The Court shall have power to sit in divisions, when in its judgment this is necessary for the proper dispatch of business, and to make rules for the distribution of business between the divisions and for the hearing of cases by the full Court. No decision of any division shall become the judgment of the Court unless concurred in by a majority of all the Justices; and no case involving a construction of the Constitution of the State or of the United States shall be decided except by the Court *en bloc*. All sessions of the Court shall be held in the city of Raleigh. This amendment made to the Constitution of North Carolina shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

Supreme Court.

SEC. 7. *Terms of the Supreme Court.* The terms of the Supreme Court shall be held in the city of Raleigh, as now, until otherwise provided by the General Assembly.

Terms of the Supreme Court.

Jurisdiction of  
Supreme Court

SEC. 8. *Jurisdiction of Supreme Court.* The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against  
the State.

SEC. 9. *Claims against the State.* The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts  
for Superior  
Courts.

SEC. 10. *Judicial districts for Superior Courts.* The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts. (Changed by act of General Assembly to twenty-one districts.)

Residences of  
judges, rotation  
in judicial dis-  
tricts, and special  
terms.

SEC. 11. *Residences of judges, rotation in judicial districts, and special terms.* Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county, or district, when the judge assigned thereto, by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide  
for special or  
emergency  
judges.

Power and au-  
thority of emer-  
gency judges.

Jurisdiction of  
courts inferior to  
Supreme Court.

SEC. 12. *Jurisdiction of courts inferior to Supreme Court.* The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not

pertain to the Supreme Court among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with other provisions of this Constitution.

SEC. 13. *In case of waiver of trial by jury.* In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

In case of waiver of trial by jury.

SEC. 14. *Special courts in cities.* The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Special courts in cities.

SEC. 15. *Clerk of the Supreme Court.* The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Clerk of Supreme Court.

SEC. 16. *Election of Superior Court clerk.* A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Election of Superior Court clerk.

SEC. 17. *Term of office.* Clerks of the Superior Courts shall hold their offices for four years.

Term of office.

SEC. 18. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

Fees, salaries and emoluments.

SEC. 19. *What laws are, and shall be, in force.* The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are, and shall be, in force.

SEC. 20. *Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.* Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.

SEC. 21. *Elections, terms of office, etc., of Justices of the Supreme and Judges of the Superior Courts.* The Justices of the Supreme Court shall be elected by the qualified voters of

Justices of Supreme Court, election of.

Term of office. Judges of Superior Court, election of.

the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Courts.

SEC. 22. *Transaction of business in the Superior Courts.* The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Solicitors for each judicial district.

SEC. 23. The State shall be divided into twenty-one solicitorial districts, for each of which a solicitor shall be chosen by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district. But the General Assembly may reduce or increase the number of solicitorial districts, which need not correspond to, or be the same as, the judicial districts of the State.

Sheriffs and coroners.

SEC. 24. *Sheriffs and coroners.* In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for four years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in a county, the clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the commissioners of the county may appoint to such office for the unexpired term.

Vacancies.

SEC. 25. *Vacancies.* All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointments of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of first officers.

SEC. 26. *Terms of office of first officers.* The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them, respectively, next ensuing after the next regular election for members of

the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 27. *Jurisdiction of justices of the peace.* The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom the judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom the judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file same with the clerk of the Superior Court for his county.

Jurisdiction of justices of the peace.

SEC. 28. *Vacancies in office of justices.* When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of justices.

SEC. 29. *Vacancies in office of Superior Court Clerk.* In case the office of clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Vacancies in office of Superior Court clerk.

SEC. 30. *Officers of other courts inferior to Supreme Court.* In case the General Assembly shall establish other courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

Officers of other courts inferior to Supreme Court.

SEC. 31. *Removal of judges of the various courts for inability.* Any judge of the Supreme Court, or of the Superior Courts, and the presiding officers of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The judge or presiding officer against whom the General Assem-

Removal of judges of various courts for inability.

bly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of clerks of the various courts for inability.

SEC. 32. *Removal of clerks of the various courts for inability.* Any clerk of the Supreme Court, or of the Superior Courts, or of such courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the clerk of the Supreme Court by the judges of said Court, the clerks of the Superior Courts by the judge riding the district, and the clerks of such courts inferior to the Supreme Court as may be established by law by the presiding officers of said courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Amendments not to vacate existing offices.

SEC. 33. *Amendments not to vacate existing offices.* The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State, and filled, or held by virtue of any election or appointment under the said Constitution, and the laws of the State made in pursuance thereof.

ARTICLE V

REVENUE AND TAXATION

Capitation tax.

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Exemptions.

Applications of proceeds of State and county capitation tax.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

State taxation.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended, or contracted away. Taxes on property shall be uniform as to each class of property taxed. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied. The General

Taxes uniform as to each class of property taxed.

Assembly may also tax trades, professions, franchises, and incomes: *Provided*, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to wit: for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

Exemptions.

SEC. 4. *Limitations upon the increase of Public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit, for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit; to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Limitations upon the increase of public debts.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and

Property exempt from taxation.

agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars. The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000,00) in value of property held and used as the place of residence of the owner.

Taxes levied  
for counties.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: *Provided*, this limitation shall not apply to taxes levied for the maintenance of public schools of the State for the term required by article nine, section three, of the Constitution: *Provided, further*, the State tax shall not exceed five cents on the one hundred dollars value of property.

Acts levying  
taxes shall state  
objects, etc.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

## ARTICLE VI

### SUFFRAGE AND ELIGIBILITY TO OFFICE

Who may vote.

SECTION 1. *Who may vote.* Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided. (The effect of the 19th Amendment to the United States Constitution was to strike out the word *male*.)

Qualifications  
of voters.

SEC. 2. *Qualifications of voters.* He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Voters to be  
registered.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and

the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

General Assembly to provide registration laws.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration; and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article.

Qualification for registration.

Registration of persons entitled to vote without educational qualifications.

Permanent record.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other that the whole shall stand or fall together.

Amendment indivisible.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Elections by people and General Assembly.

SEC. 7. *Eligibility to office; official oath.* Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

Eligibility to office; official oath.

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as \_\_\_\_\_. So help me, God."

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or

Disqualification for office.

of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When this chapter operative.

SEC. 9. *When this chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

## ARTICLE VII

### MUNICIPAL CORPORATIONS

County officers.

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners.

Duty of county commissioners.

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

Townships have corporate powers.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

Officers of townships.

SEC. 5. *Officers of townships.* In each township there shall be biennially elected, by the qualified voters thereof, a clerk and two justices of the peace, who shall constitute a board of trustees, and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a large number of justices of the peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law. (Amended by c. 141, 1877.)

Trustees shall assess property.

SEC. 6. *Trustees shall assess property.* The township board of trustees shall assess the taxable property of their townships

and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be, *ex officio*, treasurer of the township.

SEC. 7. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

No debt or loan except by a majority of voters.

SEC. 8. *No money drawn except by law.* No money shall be drawn from any county or township treasury except by authority of law.

Drawing of money.

SEC. 9. *When officers enter on duty.* The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

When officers enter on duty.

SEC. 10. *Governor to appoint justices.* The Governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five, and six of this article shall have been carried into effect.

Governor to appoint justices.

SEC. 11. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Charters to remain in force until legally changed.

SEC. 12. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid of or support of the rebellion.

Debts in aid of the rebellion not to be paid.

SEC. 13. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this article, and substitute others in their place, except sections seven, nine, and thirteen. (Recent amendment repealed old section 9 and renumbered sections 10-14.) (Under this authority several amendments have been made to this article.)

Powers of General Assembly over municipal corporations.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the charter-

Restrictions of legislative powers as to corporations.

Organization of corporations.

ing and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

Debts of corporations, how secured.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

What corporations shall include.

SEC. 3. *What corporations shall include.* The term "Corporation," as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

General laws for organization and government of municipalities.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

## ARTICLE IX

### EDUCATION

Education shall be encouraged.

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

General Assembly shall provide for schools.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

Separation of races.

Counties to be divided into districts.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise, appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property shall be devoted to educational purposes.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

County school fund.

Proviso.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Election of trustees and provisions for maintenance of the University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Benefits of the University.

SEC. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the

Creation of State Board of Education.

educational funds provided for the support thereof, shall, from and after the first day of April, one thousand nine hundred and forty-three, be vested in a State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and one member from each Congressional District to be appointed by the Governor. The State Superintendent of Public Instruction shall have general supervision of the public schools and shall be secretary of the board. There shall be a comptroller appointed by the Board, subject to the approval of the Governor as director of the Budget, who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The appointive members of the State Board of Education shall be subject to confirmation by the General Assembly in joint session. A majority of the members of said board shall be persons of training and experience in business and finance, who shall not be connected with the teaching profession or any educational administration of the State. The first appointments under this section shall be members from odd numbered Congressional Districts for two years, and members from even numbered Congressional Districts for four years and, thereafter, all appointments shall be made for a term of four years. All appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The board shall elect a chairman and a vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members of the board shall be provided by the General Assembly.

**SEC. 9. Powers and Duties of the Board.** The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the text books to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

**Exercise of powers in conformity with Constitution and Statutes.**

**Agricultural department.**

**SEC. 10. Agricultural department.** As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

Children must attend school.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Exemptions of personal property

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town, or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Homestead.

SEC. 3. *Homestead exemption from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

Homestead exemption from debt.

SEC. 4. *Laborer's lien.* The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

Laborer's lien.

SEC. 5. *Benefit of widow.* If the owner of a homestead dies, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

Benefit of widow.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised, and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

Property of married women secured to them.

Husband may insure his life for the benefit of wife and children.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

How deed for homestead may be made.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

## ARTICLE XI

### PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

Punishments.

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works on highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

Convict labor.

Proviso.

Death punishment.

SEC. 2. *Death punishment.* The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Penitentiary.

SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.

SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Houses of correction.

SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

Houses of refuge.

SEC. 6. *The sexes to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, county jails, and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

The sexes to be separated.

SEC. 7. *Provisions for the poor and orphans.* Beneficent provisions for the poor, the unfortunate, and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Provision for the poor and orphans.

SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

Orphan houses.

SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Inebriates and idiots.

SEC. 10. *Deaf-mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

Deaf-mutes, blind, and insane.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Self-supporting.

## ARTICLE XII

### MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia; *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Who are liable to militia duty.

Proviso.

Organizing, etc.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

Governor commander-in-chief.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

Exemptions.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

Convention, how called.

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

Indictments.

SECTION 1. *Indictments.* All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Penalty for fighting duel.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. *Drawing money.* No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Drawing money.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Mechanic's lien.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Governor to make appointments.

SEC. 6. *Seat of Government.* The seat of government in this State shall remain at the city of Raleigh.

Seat of government.

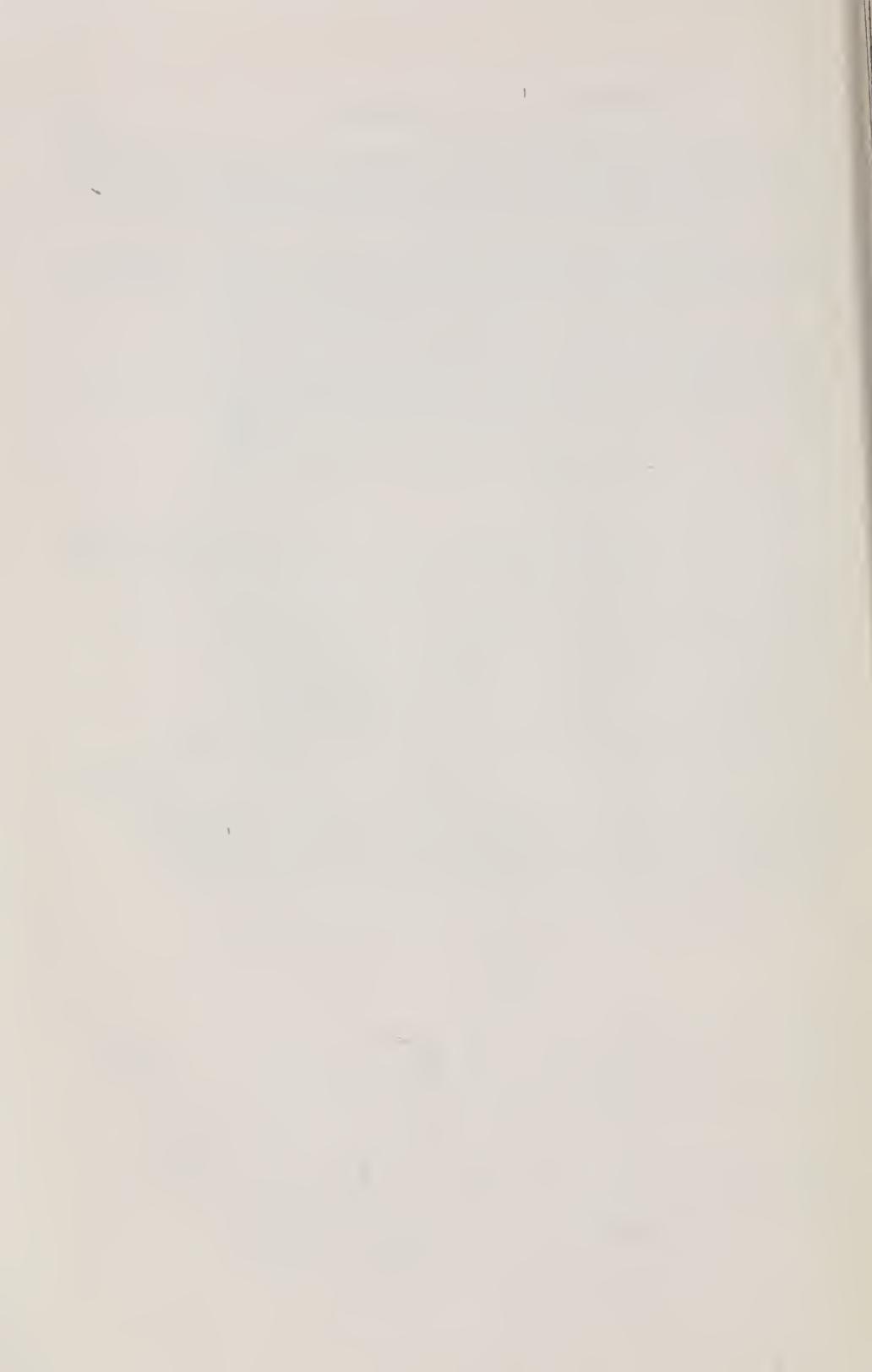
SEC. 7. *Holding office.* No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Holding office.

Proviso.

SEC. 8. *Intermarriage of whites and negroes prohibited.* All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation, inclusive, are hereby forever prohibited.

Intermarriage of whites and negroes prohibited.



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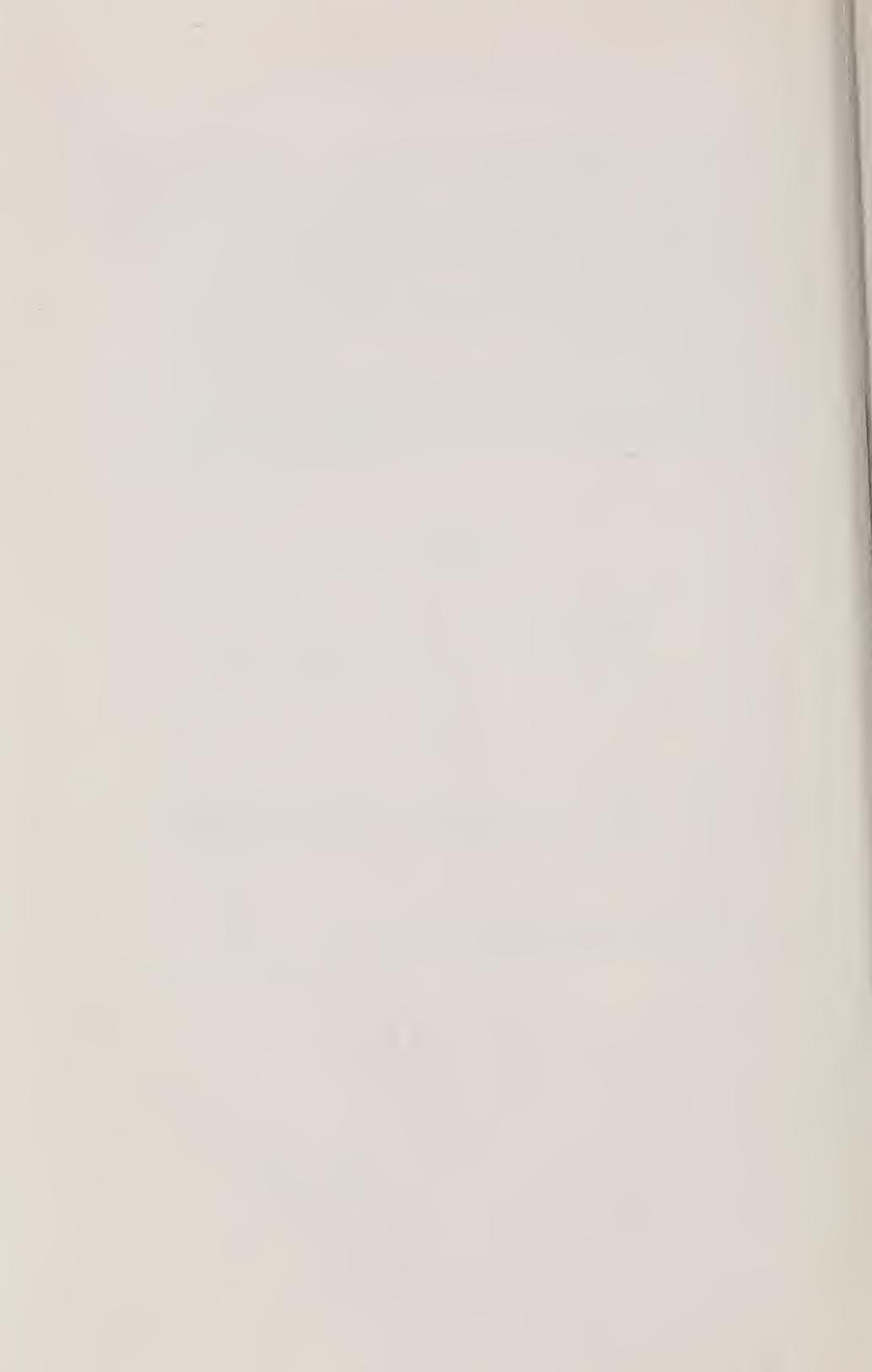
SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

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# L A W S

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H. B. 2

## CHAPTER 1

### AN ACT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF WELFARE OF BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. A vacancy having existed in the membership of the County Board of Welfare of Burke County since the first day of April, one thousand nine hundred and forty-two, and the member of the County Board of Welfare appointed by the State Board of Charities and Public Welfare and the member appointed by the Board of County Commissioners of Burke County having been unable to agree upon the third member of said board, and no action having been taken by which the resident judge could fill said vacancy, the said vacancy is hereby filled by the appointment of Mrs. Annie S. Sherrill, of Valdese, Burke County, North Carolina, who is hereby appointed and who shall hold said office until the first day of April, one thousand nine hundred and forty-five, and thereafter her successor shall be appointed for a term of two years in the manner provided by Consolidated Statutes, Section five thousand and fourteen.

Vacancy in  
County Board  
of Welfare of  
Burke County.

Appointment  
of Mrs. Annie  
S. Sherrill.

Successor  
provided for.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of January, 1943.

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S. B. 8

## CHAPTER 2

### AN ACT TO AUTHORIZE THE GOVERNOR AND STATE TREASURER, WITH THE APPROVAL OF THE COUNCIL OF STATE, TO INVEST FUNDS IN THE STATE TREASURY IN EXCESS OF THE AMOUNT REQUIRED TO MEET THE CURRENT NEEDS OF THE STATE IN INTEREST BEARING SECURITIES OF THE STATE AND FEDERAL GOVERNMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor and the State Treasurer, acting jointly, with the approval of the Council of State, are hereby authorized and empowered whenever in their opinions there

Investment of  
surplus State  
funds provided  
for.

is cash in the General Fund of the State in excess of the amount required to meet the current needs and demands on the said fund of the State, to invest said excess funds in bonds or certificates of indebtedness of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United States of America, when the payment of principal and interest thereof is fully guaranteed by the United States of America, or in bonds or notes of the State of North Carolina. The said funds shall be invested in such obligations as in the judgment of the Governor and State Treasurer may be readily converted into money.

Report to  
General  
Assembly  
by State  
Treasurer.

The State Treasurer shall include in his biennial reports to the General Assembly a full and complete statement of all funds invested by virtue of the provisions of this Act, the nature and character of investments therein, and the revenues derived therefrom, together with all such other information as may seem to him to be pertinent for the full information of the General Assembly with reference thereto.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 21st day of January, 1943.

## H. B. 36

## CHAPTER 3

### AN ACT TO EXEMPT MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND MEMBERS OF THE MERCHANT MARINE FROM POLL TAXES.

*The General Assembly of North Carolina do enact:*

Sec. 1402,  
Article XIV,  
Ch. 310, Public  
Laws, 1939,  
amended.

SECTION 1. That the Machinery Act of one thousand nine hundred and thirty-nine, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine and Article XIV, Section one thousand four hundred and two shall be, and the same hereby is, amended by adding an additional Subsection to be designated as Subsection (4), which shall read as follows:

Members of  
Armed Forces  
and Merchant  
Marine exempt  
from poll taxes  
for duration  
of war.

“(4). While the existing state of war between the United States and any foreign nation continues and for the next tax listing period thereafter, members of the Armed Forces of the

United States and members of the United States Merchant Marine shall be exempt from all poll taxes and no county or city shall levy any poll tax on such persons, and poll tax which such person was required to list prior to induction into the Armed Forces of the United States or joining the Merchant Marine which has not been paid, shall be cancelled and such person relieved of such liability to pay the same."

Unpaid poll taxes of members of Armed Forces and Merchant Marine cancelled.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1943.

## H. B. 37

## CHAPTER 4

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, BEING AN ACT PROVIDING FOR THE EXTENSION OF TIME TO PAY STREET ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and ninety-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Chapter one hundred and sixty of the Public Laws of one thousand nine hundred and forty-one, be further amended by striking out in lines one and two the words "July the first, one thousand nine hundred and forty-two" and substituting the words "February the first, one thousand nine hundred and forty-five."

Sec. 1, Ch. 126, Public Laws, 1935, amended, as to extension of time for paying special assessments.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1943.

## H. B. 57

## CHAPTER 5

AN ACT TO AUTHORIZE THE COUNTY OF WILSON AND THE TOWN OF WILSON JOINTLY TO ACQUIRE, EQUIP, AND MAINTAIN A HOUSE OR OTHER QUARTERS FOR THE RELIEF AND ENTERTAINMENT OF TRANSIENT MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.

Preamble:  
Need for quarters  
for transient  
members of  
Armed Forces  
in Wilson, N. C.

WHEREAS, there exists a public necessity in the County and Town of Wilson to provide quarters for the housing, entertainment, and recreation of and for transient members of the armed forces of the United States; and

WHEREAS, no such facilities now exist: Now, therefore,

*The General Assembly of North Carolina do enact:*

Town and  
County of  
Wilson  
authorized:

SECTION 1. The Town of Wilson and the County of Wilson are hereby authorized and empowered:

(a) To purchase  
land and  
buildings for  
such purpose.

(a) To acquire by purchase from funds not derived from taxation land and buildings to be used as a center for the housing and entertainment of transient members of the armed forces of the United States.

(b) To maintain  
and furnish  
such buildings.

(b) To maintain said buildings for such purposes and to buy and install such furnishings and equipment as may be necessary.

(c) To appropriate  
not more  
than \$10,000.00  
therefor.

(c) To appropriate and expend not more than the sum of ten thousand dollars (\$10,000) for the aforesaid purposes in the proportions of one half each.

May be leased  
to the United  
Service  
Organization.

(d) In lieu of maintaining and operating said recreation center, the Town of Wilson and the County of Wilson may lease the said property to the United Service Organization or any agency of the United States Government at such nominal rental as may be agreed upon between any such agency and the aforesaid town and county.

Property to  
be sold when  
no longer  
needed.

SEC. 2. That when the governing bodies of either the Town of Wilson or the County of Wilson shall decide that such property is not needed for the purposes for which it was acquired, the said property shall be sold by the joint action of said governing bodies, either at public or private sale, as may be deemed to secure the highest price for said property, and the proceeds of sale shall be divided between the said town and county in proportion to their respective interests therein.

Conflicting  
laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1943.

S. B. 2

## CHAPTER 6

AN ACT TO CREATE A STATE POST-WAR RESERVE FUND, AND MAKING AN APPROPRIATION OF TWENTY MILLION DOLLARS FROM THE GENERAL FUND OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby appropriated from the General Fund of the State the sum of twenty million dollars (\$20,000,000.00), the said sum, together with the investments and income therefrom, to be hereafter known and designated as the State Post-War Reserve Fund.

Appropriation for State Post-War Reserve Fund.

SEC. 2. That the Governor and Council of State are hereby fully authorized and directed to invest the said fund exclusively in bonds of the United States of America, of such series as may be readily converted into money and notes or certificates of indebtedness of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United States of America, when the payment of principal and interest thereof is fully guaranteed by the United States of America, and in bonds or notes of the State of North Carolina. The interest and revenues received from such investments, or profits realized in the sale thereof, shall become a part of the said State Post-War Reserve Fund and shall be likewise invested. Bonds of the State of North Carolina purchased for the said fund shall not be cancelled or retired but shall remain in full force and the income therefrom reinvested as hereinbefore provided. The State Treasurer shall be custodian of all securities and investments made under authority of this Act.

To be invested by Governor and Council of State.

State Treasurer custodian.

SEC. 3. That the said State Post-War Reserve Fund shall be held for such use as shall hereafter be directed by an Act of the General Assembly of North Carolina, and no other use thereof whatsoever shall be made.

Fund to be held for such use as directed by General Assembly.

SEC. 4. That the Governor and Council of State shall make a report in writing to the General Assembly, not later than the tenth day of each regular or special session thereof, stating the nature and amount of all receipts and disbursements from the said fund and the amount contained in said fund, and giving an itemized statement of all investments made as herein authorized, which report shall be spread upon the Journals of the Senate and House of Representatives.

Report to General Assembly.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of January, 1943.

## S. B. 61

## CHAPTER 7

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO REMIT TAXES FOR ONE THOUSAND NINE HUNDRED AND FORTY-THREE ON ALL REAL PROPERTY IN WAYNE COUNTY WHICH THE UNITED STATES GOVERNMENT TOOK POSSESSION OF FOR MILITARY PURPOSES PRIOR TO JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, PURSUANT TO CONTRACTS EXECUTED PRIOR TO SAID JANUARY FIRST, PROVIDED SUCH REAL PROPERTY SHALL BE CONVEYED TO THE UNITED STATES OR TO SOME AGENCY THEREOF FOR MILITARY PURPOSES BEFORE JULY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

County Commissioners of Wayne County authorized to remit 1943 taxes on certain lands taken by U. S. Government.

SECTION 1. The Board of County Commissioners of Wayne County is hereby authorized to remit taxes for one thousand nine hundred and forty-three on all real property in Wayne County which the United States Government took possession of for military purposes prior to January first, one thousand nine hundred and forty-three, pursuant to contracts executed prior to said January first, provided such real property shall be conveyed to the United States or to some agency thereof for military purposes before July first, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of January, 1943.

## H. B. 7

## CHAPTER 8

AN ACT TO APPOINT NEWTON N. HAMPTON SPECIAL DEPUTY SHERIFF AND TAX COLLECTOR FOR CRAWFORD TOWNSHIP IN CURRITUCK COUNTY, AND TO FIX HIS SALARY AND TERM OF OFFICE.

*The General Assembly of North Carolina do enact:*

Newton N. Hampton appointed special deputy sheriff and tax collector for Crawford Township in Currituck County.

SECTION 1. That Newton N. Hampton be and he is hereby appointed special deputy sheriff and tax collector for Crawford Township in Currituck County. He shall have the powers and duties of a deputy sheriff and shall be subject to the duties and liabilities of tax collector as is by general law provided. However, he shall have no jurisdiction outside of Crawford Township in Currituck County.

SEC. 2. The said special deputy sheriff and tax collector shall receive a salary of seventy-five dollars (\$75.00) per month, to be paid monthly from the general fund of the county as exclusive remuneration for the performance of the duties of his office.

Salary fixed.

SEC. 3. All fees and moneys collected by said Hampton as special deputy sheriff shall be paid into the general fund of the county.

Moneys collected to be paid into county general fund.

SEC. 4. The said special deputy sheriff and tax collector shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by statute for other county officers and shall give bonds for the faithful performance of his duties. The amount of said bonds shall be fixed by the Board of County Commissioners of Currituck County, but the bond as Tax Collector for Crawford Township shall not exceed the amount of the total tax levy on the property in said township.

Bond required.

SEC. 5. When said Newton N. Hampton qualifies for office and gives the bonds required by the Board of County Commissioners of Currituck County, the said board of county commissioners is hereby authorized, directed and empowered to turn over the tax books of Crawford Township to him.

County Commissioners to turn over tax books.

SEC. 6. The said Newton N. Hampton shall serve as special deputy sheriff and tax collector for Crawford Township from the date of his qualification until the first Monday in December, one thousand nine hundred and forty-six.

Term of office fixed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of January, 1943.

H. B. 24

## CHAPTER 9

AN ACT TO VALIDATE BONDS AND COUPONS OF THE TOWN OF RUTHERFORDTON AND TO AUTHORIZE THE ISSUANCE OF REFUNDING AND FUNDING BONDS, AND TO AMEND SECTION NINETEEN OF THE CHARTER OF THE TOWN AS ENACTED BY CHAPTER FORTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, EXTRA SESSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there are hereby validated and declared to be valid and binding obligations of the Town of Rutherfordton the following outstanding bonds of said town, all of which

Certain bonds of town of Rutherfordton validated.

bonds were issued to secure funds for necessary expenses of said town, together with all coupons appurtenant to any of the bonds of such issues:

Bonds enumerated.

Refunding Bonds dated March 15, 1911  
 Water and Light Bonds dated June 1, 1911  
 Electric Light and Water Bonds dated March 1, 1913  
 Consolidated Water Works and Street Improvement Bonds dated July 1, 1920  
 Street Paving Bonds dated July 1, 1921  
 Street Paving Bonds dated June 1, 1923  
 Sewer Bonds dated July 1, 1923  
 Water and Electric Light Bonds dated March 15, 1924  
 Street Improvement Bonds dated July 1, 1924  
 City Hall Bonds dated September 1, 1924  
 Street Improvement Bonds dated September 1, 1924 (Two issues)  
 Sidewalk Bonds dated September 1, 1924  
 Public Improvement Bonds dated June 1, 1926  
 Refunding Bonds dated April 1, 1929.

Issuance of refunding bonds authorized.

SEC. 2. That the Town Council of the Town of Rutherfordton is hereby authorized and empowered to issue, at one time or from time to time, in accordance with the provisions of The Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding all or any part of the principal of the bonds hereinabove mentioned, and for the purpose of funding any interest which may have heretofore accrued on any bonds of the issues hereinabove mentioned including any such principal or interest heretofore or hereafter reduced to judgment.

Ch. 42, Private Laws, Extra Session, 1924, amended.

SEC. 3. That Paragraph three of Section nineteen of the Charter of the Town of Rutherfordton, as enacted by Chapter forty-two of the Private Laws of one thousand nine hundred and twenty-four, Extra Session, be and the same is hereby amended by adding at the end of said Paragraph three the following:

Ordinance authorizing issuance of bonds required to be published.

“Provided, however, that any ordinance authorizing the issuance of bonds of the town shall be published in the manner provided by The Municipal Finance Act, as amended.”

SEC. 4. That Paragraph four of said Section nineteen be and the same is hereby amended by adding at the end of said Paragraph four the following:

Town Council required to levy taxes to pay bonds.

“Provided, however, that in each year the town council shall levy and collect a tax ad valorem upon all property then subject to taxation in the town, sufficient to pay the principal of and the interest on all bonds of the town as such principal and interest shall become due, and the levy of such taxes shall

not be subject to any limitation prescribed by any other law upon the amount or rate of taxes which the town may levy.”

SEC. 5. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

Powers herein granted additional.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in force from and after its ratification.

Ratified this the 28th day of January, 1943.

H. B. 25

### CHAPTER 10

AN ACT TO REPEAL CHAPTER ONE HUNDRED SEVENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE EXEMPTION OF FOX HOUNDS FROM TAXATION IN HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred seventy-six of the Public-Local Laws of one thousand nine hundred and forty-one, relating to the exemption of fox hounds from taxation in Hertford County, be and the same is hereby repealed.

Ch. 176, Public-Local Laws, 1941, relating to exemption of fox hounds from taxation in Hertford County, repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of January, 1943.

S. B. 17

### CHAPTER 11

AN ACT TO VALIDATE TRANSCRIPTS OF JUDGMENTS CERTIFIED IN THE NAME OF DEPUTY CLERKS OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That each transcript of judgment from the original docket of the Superior Court of a county where the same was rendered and docketed, heretofore certified under the official seal of said court, by a deputy clerk thereof, in his own name as such deputy clerk, and docketed on the judgment docket of another county in the State, is hereby validated and declared of full force and effect in such county where docketed, from the date of the docketing of the same, to the same extent and with the same effect as if said transcript of judgment had

Transcripts of judgments by deputy clerks validated.

been certified in the name of the clerk of the Superior Court of said original county, and under his hand and official seal.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Pending actions not affected.

SEC. 3. That this Act shall not apply to pending actions.

SEC. 4. That this Act shall be in force from and after its ratification.

Ratified this the 1st day of February, 1943.

## S. B. 22

## CHAPTER 12

AN ACT TO AMEND SECTION FIVE OF THE CHARTER OF THE TOWN OF CANDOR, AS AMENDED BY CHAPTER SIXTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, EXTRA SESSION, TO VALIDATE ALL PROCEEDINGS HERETOFORE TAKEN IN RELATION TO THE ISSUANCE OF TEN THOUSAND DOLLARS WATER BONDS OF SAID TOWN, AND PRESCRIBING THE VOTE REQUIRED UPON AN ORDINANCE TO AUTHORIZE BONDS OF SAID TOWN FOR NECESSARY EXPENSES.

*The General Assembly of North Carolina do enact:*

Charter of Town of Candor amended.

SECTION 1. That Section five of the Charter of the Town of Candor, in the County of Montgomery, as amended by Chapter sixty-seven of the Private Laws of one thousand nine hundred and twenty-four, Extra Session, be and the same is hereby amended by adding at the end of said section the following:

Board of Commissioners to levy taxes for payment of bonds.

“Provided, however, that in each year the board of commissioners shall levy and collect a tax ad valorem upon all property then subject to taxation in the town, sufficient to pay the principal of and the interest on all bonds of the town as such principal and interest shall become due, and the levy of such taxes shall not be subject to any limitation upon the amount or rate of taxes which the town may levy.”

Proceedings heretofore taken by Board of Commissioners relating to issuance of certain bonds validated.

SEC. 2. That all proceedings heretofore taken by the Board of Commissioners of the Town of Candor in relation to the issuance of ten thousand dollars (\$10,000.00) water bonds for paying the cost of extending the existing waterworks system of the town, including the drilling of a well and installing a pump and equipment, and laying mains, be and the same are hereby validated and confirmed, and that when the said bonds shall have been approved by the vote of a majority of the qualified voters of the town voting at an election called and held for that purpose, and any thereof shall have been sold, delivered and paid for in accordance with the provisions of

Bonds valid when approved by voters and sold pursuant to Municipal Finance Act and Local Government Act.

The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and the Local Government Act, as amended, the bonds so delivered and paid for will constitute valid and binding obligations of said Town of Candor, and that, as required by said The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect a tax ad valorem upon all property then subject to taxation in the town, sufficient to pay the principal of and the interest on said bonds as such principal and interest shall become due.

Governing body  
to levy taxes  
to pay bonds.

SEC. 3. That notwithstanding any of the provisions of Chapter two hundred and eight of the Public-Local Laws of one thousand nine hundred and twenty-five, whenever the Board of Commissioners of said Town of Candor shall adopt an ordinance providing for the issuance of bonds for necessary expenses of said town, the affirmative vote of a majority of the voters voting on such ordinance shall be sufficient to make it operative.

Majority vote  
for issuance  
of bonds for  
necessary expenses  
sufficient.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 5. That this Act shall be in force from and after its ratification.

Ratified this the 1st day of February, 1943.

S. B. 25

### CHAPTER 13

AN ACT TO AMEND SUBSECTION TWO OF SECTION TWO THOUSAND NINE HUNDRED AND THIRTY-SEVEN OF THE CONSOLIDATED STATUTES AS AMENDED, THE SAME BEING A PART OF THE MUNICIPAL FINANCE ACT, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, AND RELATING TO THE FUNDING AND REFUNDING OF INDEBTEDNESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection two of Section two thousand nine hundred and thirty-seven of the Consolidated Statutes, as amended, being a part of the Municipal Finance Act, one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out in the last sentence of said subsection the words, "one thousand nine hundred and forty" and by inserting in lieu thereof the words, "one thousand nine hundred and forty-two."

C. S. 2937,  
being part of  
Municipal Finance  
Act, amended.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

S. B. 50

## CHAPTER 14

AN ACT AUTHORIZING COUNTIES, CITIES AND TOWNS  
TO INVEST UNUSED PROCEEDS OF THE SALE OF  
BONDS.*The General Assembly of North Carolina do enact:*

Investment of  
unused proceeds  
of sale of  
bonds by counties,  
cities and towns  
in designated  
securities  
authorized.

SECTION 1. That if for any reason the whole or any part of the proceeds of the sale of bonds heretofore issued by a county, city or town cannot be applied to the purpose for which such bonds were authorized, such proceeds may be invested in either bonds, notes or certificates of indebtedness of the United States of America, or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of any county, city or town of North Carolina which have been approved by the Local Government Commission for the purpose of such investment. Nothing in this Act shall be construed as permitting moneys from realization of such investment, by sale or by payment, to be applied to any purpose other than that now authorized by law, except that such moneys may be reinvested in the bonds, notes or certificates of indebtedness herein provided for investment. Earnings from such investment may be applied to payment of the interest or principal of the bonds from which such proceeds were derived or may be applied as increment to such proceeds.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

S. B. 67

## CHAPTER 15

AN ACT TO PROVIDE FOR THE ENROLLMENT OF SENATE BILL FOURTEEN, "REVISING AND CONSOLIDATING THE PUBLIC AND GENERAL STATUTES OF THE STATE OF NORTH CAROLINA," TO PROVIDE THAT SAID BILL SHALL NOT BE PRINTED IN THE VOLUME OF PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE REQUIRED TO BE PRINTED UNDER SECTION SIX THOUSAND ONE HUNDRED AND ELEVEN OF THE CONSOLIDATED STATUTES, AND TO AUTHORIZE THE CHANGING OF REFERENCES IN SAID BILL TO "THE NORTH CAROLINA CODE" TO READ "THE GENERAL STATUTES," AND TO PROVIDE FOR THE CODIFICATION AND INCORPORATION OF THE PUBLIC LAWS ENACTED IN ONE THOUSAND NINE HUNDRED AND FORTY-THREE IN THE FINAL EDITION OF THE GENERAL STATUTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. In so far as Section six thousand one hundred and eight of the Consolidated Statutes, as amended by Chapter one hundred and seventy-three of the Public Laws of one thousand nine hundred and thirty-three, requires the typewriting and proofreading of each bill for enrollment for ratification, said section shall not apply to Senate Bill fourteen, "Revising and Consolidating the Public and General Statutes of the State of North Carolina." It shall be a sufficient compliance with said provisions of that section and a sufficient enrollment and ratification of Senate Bill fourteen to submit for ratification the printed bill or volume actually enacted by the General Assembly, together with amendments or corrections written in on the text or inserted on attached sheets of paper, to be signed by the presiding officers of both houses of the General Assembly in the proper manner and form on some blank page at or near the end of the bill or volume.

SEC. 2. Senate Bill fourteen is hereby exempted from the provisions of Section six thousand one hundred and eleven of the Consolidated Statutes requiring that all session laws be printed under the direction of the Secretary of State, and it shall be omitted from the volumes of the session laws of one thousand nine hundred and forty-three which the Secretary of State is directed under Section six thousand one hundred and eleven to cause to be printed.

SEC. 3. The Division of Legislative Drafting and Codification of Statutes of the State Department of Justice, under the direction and supervision of the Attorney General, shall complete and perfect the General Statutes, as enacted by the present General Assembly, the same being Senate Bill fourteen, by changing all references therein to the "Code," "North Carolina

Senate Bill 14 "Revising and Consolidating the Public and General Statutes of the State of North Carolina" not required to be typewritten and proof-read as provided in C. S. 6108.

Manner of enrollment and ratification of Senate Bill 14 provided.

Senate Bill 14 exempted from provisions of C. S. 6111.

Senate Bill 14 to be omitted from volumes of 1943 session laws.

Division of Legislative Drafting and Codification of Statutes of the State Department of Justice to complete General Statutes.

1943 Public Statutes to be included.

Code," "Code of 1943" or "North Carolina Code of 1943" to read "General Statutes," and by causing to be inserted therein all such general public statutes as may be enacted at the present session of the General Assembly and all amendments, in their proper places in sections under the appropriate chapter and subdivisions of chapters, and by deleting all sections or portions of sections found to be expressly repealed, or found to be repealed by virtue of the repeal of any cognate sections or parts of sections of the Consolidated Statutes or session laws, and by deleting repealed provisions and substituting in lieu thereof all proper amendments of the General Statutes or of cognate sections of the Consolidated Statutes or session laws; and the Division is hereby authorized to change the number of sections and chapters, transfer sections, chapters and subdivisions of chapters and make such other corrections which do not change the law, as may be found by the Division necessary in making an accurate, clear, and orderly statement of said laws. After the completion of such codification of the general and public laws of one thousand nine hundred and forty-three, such laws, as they appear in the printed volumes of the General Statutes, shall be deemed an accurate codification of the statutes of one thousand nine hundred and forty-three contained therein.

General and Public Laws of 1943, when included in General Statutes, to be deemed an accurate codification of such laws.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

## H. B. 13

## CHAPTER 16

AN ACT TO AUTHORIZE THE EXECUTION AND DELIVERY OF DEEDS IN THE EXERCISE OF POWERS OF SALE IN DEEDS OF TRUST OR MORTGAGES IF FORECLOSURE SALES HAVE BEEN CONDUCTED WITHIN THE PERIOD ALLOWED BY THE STATUTE OF LIMITATIONS.

*The General Assembly of North Carolina do enact:*

C. S. 2589 amended.

SECTION 1. Section two thousand five hundred and eighty-nine of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by changing the period after the word "limitations" at the end of said section to a semicolon and adding the following:

“Provided, if a sale of real property is made under a power of sale in a deed of trust or mortgage within the time allowed by the statute of limitations for the commencement of an action to foreclose such mortgage or deed of trust, regardless of whether there is or is not a resale after the filing of a raised or increased bid or bids, this section shall not operate to prevent the execution and delivery of a deed in consummation of such sale pursuant to power of sale after the expiration of the time provided by said statute of limitations.”

SEC. 2. In all cases where sales of real property have been made under powers of sale contained in mortgages or deeds of trust and such sales have been made within the times which would have been allowed by the statute of limitations for the commencement of actions to foreclose such mortgages or deeds of trust, and the execution and delivery of deeds in consummation of such sales have been delayed until after the expiration of the period which would have been allowed by the statute of limitations for the commencement of actions to foreclose such mortgages or deeds of trust as a result of the filing of raised or increased bids, such deeds in the exercise of the power of sale are hereby validated and are declared to have the same effect as if they had been executed and delivered within the period allowed by the statute of limitations for the commencement of actions to foreclose such mortgages or deeds of trust.

SEC. 3. Nothing contained in this Act shall affect any pending litigation or any adjudicated cases.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

Where foreclosure sale of real property is made under power of sale in deed of trust or mortgage within time allowed by statute of limitations, deed may be made after expiration of statute of limitations.

Deeds heretofore made after expiration of statute of limitations in consummation of such foreclosure sales made prior to the expiration of the statute of limitations, validated.

Pending litigation and adjudicated cases not affected.

Conflicting laws repealed.

## H. B. 22

## CHAPTER 17

AN ACT TO ENABLE THE BOARD OF COMMISSIONERS OF ALLEGHANY COUNTY TO APPOINT TAX COLLECTOR TO COLLECT BACK TAXES FOR THE YEARS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, ONE THOUSAND NINE HUNDRED AND FORTY, AND ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Alleghany County are hereby authorized and empowered to appoint Tax Collector to collect back taxes for Alleghany County for the years

Board of County Commissioners of Alleghany County authorized to appoint Tax Collector to collect back taxes.

one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, and one thousand nine hundred and forty-one; and to fix the compensation of said tax collector for collecting said taxes.

Collector to give bond.

The Board of Commissioners of Alleghany County shall require the tax collector to file a justified bond in double amount of taxes turned over to said collector, which bond shall be approved by the board of commissioners and filed with the Register of Deeds of Alleghany County and recorded by the said register of deeds.

Collector authorized to levy upon and sell property for taxes.

SEC. 2. The said tax collector appointed by said board of commissioners shall have power to levy upon, advertise and sell land and other property for taxes and to make title to the purchaser in the same manner and to the same extent and shall be governed by the general law governing the levy, advertising, sale and making of title to property levied upon and sold for delinquent taxes.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

## H. B. 50

## CHAPTER 18

AN ACT TO INCREASE THE MEMBERSHIP ON THE BOARD OF COUNTY COMMISSIONERS OF GATES COUNTY FROM THREE TO FIVE, TO DIVIDE SAID COUNTY INTO FIVE DISTRICTS FOR THE NOMINATION OF MEMBERS OF SAID BOARD, AND TO FIX THEIR TERMS OF OFFICE.

*The General Assembly of North Carolina do enact:*

Number of County Commissioners of Gates County fixed at five.

SECTION 1. That in the General Election of one thousand nine hundred and forty-four, and at each General Election thereafter, there shall be elected by the qualified voters of Gates County five persons to serve as county commissioners for said county.

For nomination of County Commissioners, Gates County divided into five districts.

SEC. 2. That, for the purpose of the nomination of members of the Board of County Commissioners of Gates County, the said county is hereby divided into the following five districts:

Limits of District number one.

District number one to consist of that portion of Gates County within the territorial limits of the Gatesville School District as now constituted.

District number two to consist of that portion of Gates County within the territorial limits of the Eure School District as now constituted.

Limits of District number 2.

District number three to consist of that portion of Gates County within the territorial limits of the Gates School District as now constituted.

Limits of District number 3.

District number four to consist of that portion of Gates County within the territorial limits of the Sunbury School District as now constituted.

Limits of District number 4.

District number five to consist of that portion of Gates County within the territorial limits of the Hobbsville School District as now constituted.

Limits of District number 5.

SEC. 3. That in all primaries for the nomination of members of the Board of County Commissioners of Gates County the voters of the entire county shall nominate one candidate for membership on said board from each district. The candidate in each district receiving the largest number of votes shall be declared the nominee of that district. In all General Elections for the election of members of said board, the candidate so nominated shall be voted upon by the voters of the entire county. In case of a vacancy occurring in the membership of said board, the vacancy shall be filled by appointment of some qualified person who resides in the district from which the vacancy occurred.

One County Commissioner to be nominated from each district by voters of entire county.

Vacancies to be filled from district from which the vacancy occurred.

SEC. 4. That in the Primary and General Election held in the year one thousand nine hundred and forty-four there shall be nominated and elected in Districts numbers one, two, and three members of said board whose terms of office shall be two years from the first Monday in December, one thousand nine hundred and forty-four, and until their successors are elected and qualified.

Terms of office of County Commissioners elected in 1944.

That in the Primary and General Election held in the year one thousand nine hundred and forty-four there shall be nominated and elected in Districts numbers four and five members of said board whose terms of office shall be four years from the first Monday in December, one thousand nine hundred and forty-four, and until their successors are elected and qualified.

SEC. 5. That the successors to the members elected in the General Election in the year one thousand nine hundred and forty-four and all members of said board thereafter elected shall be elected and hold office for a term of four years from the first Monday in December following their election and until their successors are elected and qualified.

Terms of office of successors fixed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

## H. B. 53

## CHAPTER 19

AN ACT TO PROHIBIT THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY FROM AUTHORIZING THE USE OF ANY SPACE ON THE COURTHOUSE LOT FOR THE PURPOSE OF ERECTING ANY BUILDING FOR PRIVATE BENEFIT.

*The General Assembly of North Carolina do enact:*

County Commissioners of Currituck County prohibited from disposing of space on courthouse lot for certain non-governmental uses.

Past disposition of such space cancelled in certain instances.

Application of Act.

Conflicting laws repealed.

SECTION 1. The Board of County Commissioners of Currituck County is hereby prohibited from giving, lending, leasing or selling any space on the lot on which the courthouse is located for the purpose of erecting any building of any description whatsoever for any purpose not of a county governmental nature.

SEC. 2. Wherever in the past the board of county commissioners has undertaken to do any of the acts which would be prohibited under the provisions of Section one of this Act and no building has yet been constructed by virtue thereof, such authorizations to use the courthouse lot for any non-governmental purpose are hereby canceled and declared to be void.

SEC. 3. This Act shall apply only to Currituck County.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

## H. B. 54

## CHAPTER 20

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO POLICE OFFICERS OF THE TOWN OF MOUNT OLIVE.

*The General Assembly of North Carolina do enact:*

Sec. 23, Ch. 201, Private Laws, 1905, re-written.

Powers and duties of Police officers of Town of Mount Olive defined.

SECTION 1. That Section twenty-three of Chapter two hundred and one of the Private Laws of one thousand nine hundred and five is hereby rewritten to read as follows:

"SEC. 23. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town and enforce the laws of the State within a radius of one mile of the town limits by suppressing disturbances and apprehending all offenders, and

for that purpose they shall have all the power and authority vested in sheriffs and county constables; they shall execute all precepts lawfully directed to them by the mayor or other judicial officers, and in the execution thereof shall have the same power which the sheriffs and constables of the county have; and they shall have the same fees on all processes and precepts executed or returned by them which may be allowed to the sheriff of the county on like process and precepts."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

H. B. 56

## CHAPTER 21

AN ACT TO PROVIDE COMPENSATION FOR THE MAYOR AND THE BOARD OF COMMISSIONERS OR ALDERMEN OF THE TOWN OF MAIDEN, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the mayor elected at the next town election and taking office in July, one thousand nine hundred and forty-three, may receive as his salary for twelve months the sum of one hundred fifty dollars (\$150.00), payable either in installments or in a lump sum.

Salary of mayor of Town of Maiden fixed.

SEC. 2. That the board of commissioners or aldermen holding office after the next town election and taking office in July, one thousand nine hundred and forty-three, may receive as their salary a sum not to exceed five dollars (\$5.00) for each regular meeting, and not to exceed one dollar (\$1.00) for each called or special meeting, payable at each regular monthly meeting: Provided that not more than one regular meeting be held in each month, and provided further that not more than two special or called meetings be held with compensation in each month: Provided further that not more than seven dollars (\$7.00) be paid any commissioner in any one month: Provided further that no compensation shall be paid any commissioner for any meeting held unless he or they attend such meeting in person.

Salary of Board of Commissioners or Aldermen fixed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That the provisions of this Act shall become effective at the time the officers of the Town of Maiden take office in July, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 1st day of February, 1943.

H. B. 78

## CHAPTER 22

## AN ACT TO ALLOW THE DEPUTY SHERIFFS OF CASWELL COUNTY A FEE FOR THE CAPTURE OF ILLEGALLY POSSESSED OR TRANSPORTED TAXPAID LIQUOR.

*The General Assembly of North Carolina do enact:*

Fees fixed for deputies sheriff of Caswell County for capture of illegally possessed or illegally transported tax-paid liquor.

SECTION 1. That any Deputy Sheriff of Caswell County who shall capture any illegally possessed or illegally transported taxpaid liquor which is transported and sold, shall receive the following fees:

If the amount realized from the sale of such liquor is more than twenty-five dollars (\$25.00), but not more than one hundred dollars (\$100.00): five dollars (\$5.00);

If the amount realized from the sale of such liquor is more than one hundred dollars (\$100.00), but not more than two hundred dollars (\$200.00): ten dollars (\$10.00);

If the amount realized from the sale of such liquor is more than two hundred dollars (\$200.00), but not more than three hundred dollars (\$300.00): fifteen dollars (\$15.00);

If the amount realized from the sale of such liquor is more than three hundred dollars (\$300.00), but not more than four hundred dollars (\$400.00): twenty dollars (\$20.00);

If the amount realized from such sale is more than four hundred dollars (\$400.00): twenty-five dollars (\$25.00).

Fee to be divided proportionately where more than one deputy sheriff participates in such capture.

SEC. 2. That if more than one deputy sheriff participates in the capture of any such illegally possessed or illegally transported taxpaid liquor, the fee allowed in Section one of this Act shall be divided proportionately among all of those who so participate.

Application of Act.

SEC. 3. That this Act shall apply only to Caswell County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

H. B. 83

## CHAPTER 23

AN ACT TO REPEAL CHAPTER FIVE HUNDRED AND TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE WITH REFERENCE TO THE PUBLICATION OF THE ANNUAL STATEMENT OF CLAIMS AND REVENUES IN HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter five hundred and twenty-five of the Public Laws of one thousand nine hundred and thirty-three, amending Section one thousand three hundred and thirty-four of the Consolidated Statutes in regard to the publication of annual statement of claims and revenues in Hertford County, is hereby repealed.

Ch. 525, Public Laws, 1933, regarding publication of certain statements in Hertford County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

H. B. 91

## CHAPTER 24

AN ACT TO AMEND SECTION SIXTY-FIVE (a) OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR TO MAKE SAID SECTION APPLICABLE TO CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section sixty-five (a) of Volume three of the Consolidated Statutes of one thousand nine hundred and twenty-four, as amended, is hereby further amended so as to apply in its entirety to Caswell County, and the word "Caswell" shall be inserted in its appropriate place in the list of counties appearing in said section.

C. S. 65(a), vol. 3, amended to apply to Caswell County

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

## H. B. 94

## CHAPTER 25

## AN ACT TO PREVENT THE PERPETRATION OF CERTAIN FRAUDULENT PRACTICES BY PHOTOGRAPHERS WITHIN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Title. SECTION 1. The title of this Act shall be "An Act to Prevent the Perpetration of Certain Fraudulent Practices by Photographers within the State of North Carolina."

Definitions. SEC. 2. Definitions:

"Photographer." The term "Photographer" as used herein shall mean any individual, firm, partnership, association, corporation, or other group or combination acting as a unit.

"Coupon." The term "Coupon" as used herein shall mean any coupon, certificate, receipt or similar device, by whatever name called.

"Solicitor." The term "Solicitor" as used herein shall mean any agent, salesman, employee, solicitor, canvasser, or any other person acting for or on behalf of a photographer.

Issuance of coupons redeemable in products of photography prohibited unless bond is given to discharge such contracts or obligations.

SEC. 3. No photographer or solicitor shall sell or issue any coupon, whether for a consideration or otherwise, purporting to be exchangeable, redeemable, or payable, in whole or in part, for any product of photography, including photographs, coloring, tinting, frames, mounts, folders, copying or the reproduction of photographs, and all other products of photography, unless the principal for which said business is conducted shall first file with the clerk of the Superior Court in each and every county in which said business is to be conducted a good and sufficient bond in the principal sum of two thousand dollars (\$2,000.00), the condition of such bond being that the principal shall well and truly discharge all contracts, representations and other obligations made by said principal and all contracts, representations and other obligations made by any solicitor of such principal.

Method of withdrawing such bonds provided.

SEC. 4. The coupons, as above defined, issued in any county shall be serially numbered, and before any bond, herein required to be filed, can be withdrawn, the principal on said bond shall file a sworn statement with the clerk of the Superior Court, in a form approved by said clerk, showing the lowest and highest serial number of the coupon, the total number issued, and the total number that has been redeemed. On the unredeemed coupons, the said principal shall show the name and address of the person to whom the said coupon was issued; that each of said persons have been notified, in writing, at the address shown, at least thirty (30) days prior thereto, to redeem said coupon, or otherwise that said coupon would become void on a day certain stated in said notice.

SEC. 5. Any person sustaining any loss or damage by reason of any photographer or solicitor failing to fully perform and discharge any contract, representation or other obligation in connection with the sale of any coupon purporting to be exchangeable, redeemable or payable, in whole or in part, for any product of photography, whether such contract, promise or representation be made by the photographer or solicitor, may recover in any court of competent jurisdiction against the principal and his, her or its surety, the sum of twenty-five dollars (\$25.00), in addition to any actual loss or damage sustained, and any amount so recovered shall be a specific lien on the bond filed as herein required.

Remedies of person sustaining loss through non-performance of contract or obligation in connection with sale of coupons.

SEC. 6. Any person violating the provisions of this Act, including the make of any false statement in the affidavit required under Section four of this Act, shall be guilty of a misdemeanor and, upon conviction, be fined or imprisoned, or both, in the discretion of the court.

Violation made misdemeanor.

SEC. 7. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Partial invalidity section.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

H. B. 4

## CHAPTER 26

AN ACT TO REDUCE THE CORPORATE LIMITS OF THE TOWN OF RHODHISS AND TO AMEND THE CHARTER OF SAID TOWN, BEING CHAPTER EIGHTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, AS AMENDED BY CHAPTER ONE HUNDRED AND FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter eighty-four of the Private Laws of one thousand nine hundred and three, and Section one of Chapter one hundred and four of the Private Laws of one thousand nine hundred and five, be amended so that each of said sections shall read as follows:

Sec. 2, Ch. 84, Private Laws, 1903, amended. Sec. 1, Ch. 104, Private Laws, 1905, amended.

Corporate limits  
of Town of  
Rhodhiss.

“That the corporate limits of said Town of Rhodhiss shall embrace the following territory, to-wit:

“The lands, together with the river bed, lying and being in Caldwell and Burke Counties, along the Catawba River, described in deed from Rhodhiss Manufacturing Company to Rhodhiss Mills Company, dated February sixth, one thousand nine hundred and twenty, which deed is recorded in the office of the Register of Deeds of Burke County in Book L-four, page four hundred and twenty-six, and of Caldwell County in Book ninety-one at page five hundred and fifty-one, less so much of said lands and river bed as were conveyed by Rhodhiss Mills Company to Western Carolina Power Company by two deeds dated December thirty-first, one thousand nine hundred and twenty-four, one recorded in the office of the Register of Deeds of Burke County in Book L-five, page two hundred and nineteen, and the other recorded in the office of the Register of Deeds of Caldwell County in Book one hundred and twenty-five at page five hundred and ninety.”

Sec. 6, Ch. 84,  
Private Laws,  
1903, amended.

SEC. 2. That Section six of Chapter eighty-four of the Private Laws of one thousand nine hundred and three, be amended so as to read as follows:

Commissioners  
of Town author-  
ized to levy taxes  
to operate town.

“That the commissioners of said town are authorized annually to levy such taxes as are necessary to raise sufficient funds for the operation and management of the affairs of the town and shall levy and collect the same in accordance with the provisions of the general laws of the State of North Carolina.”

Ch. 84, Private  
Laws, 1903,  
amended.

SEC. 3. That Chapter eighty-four of the Private Laws of one thousand nine hundred and three be amended by adding thereto the following:

Commissioners  
authorized to  
provide jail out-  
side of town  
limits.

“(a) That the commissioners of the town shall have power to provide and make use of a jail outside of and beyond the town limits.

Powers of  
marshal or  
constable and  
policemen defined.

“(b) That the marshal or constable and policemen of the town shall have power to make arrests, preserve order and otherwise carry out the duties of their office within the corporate limits of the town and within a distance of one fourth mile beyond said corporate limits, and shall have power to convey prisoners to and from, and to confine them in such jail as may be provided or made use of by the commissioners of the town.”

Conflicting  
laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

H. B. 23

## CHAPTER 27

AN ACT TO REPEAL SECTION THREE OF CHAPTER ONE HUNDRED AND SIXTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE PAY OF THE JANITOR OF THE COURT HOUSE OF MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter one hundred and sixty-seven, Public-Local Laws of one thousand nine hundred and thirty-one, be and the same is hereby repealed.

Sec. 3, Ch. 167, Public-Local Laws, 1931, repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

H. B. 30

## CHAPTER 28

AN ACT TO FIX SALARIES FOR PUBLIC OFFICIALS AND EMPLOYEES IN ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the Superior Court shall receive a salary of two thousand five hundred dollars per annum in lieu of all compensation whatever, including services rendered as juvenile judge. That the clerk of the Superior Court shall appoint a deputy clerk who shall receive such salary as may be determined by the board of county commissioners, not to exceed one thousand five hundred dollars per annum.

Salary of C. S. C., Orange County.

Appointment of deputy clerk authorized.  
Salary of deputy.

SEC. 2. That the clerk of the Superior Court shall faithfully collect, account for, and turn over to the treasurer of said county monthly all commissions, fees, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to the office of clerk of the Superior Court, to be by the treasurer entered in the salary fund of the county.

C. S. C. to pay receipts of office to County Treasurer.

SEC. 3. That the Sheriff of Orange County shall receive a salary of three thousand two hundred dollars per annum in lieu of all other compensation whatever. That all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be entered in the salary fund of said county.

Salary of sheriff.

Receipts of sheriff's office to be paid to County Treasurer.

Appointment of deputies sheriff in certain townships authorized.

SEC. 4. That the Sheriff of Orange County may appoint one or more deputies in each township in the county except in Hillsboro and Chapel Hill Township, which are hereinafter provided for, and may allow such deputies any fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees made and collected by them from executions.

Fees of such deputies.

Appointment of deputies sheriff in Hillsboro and Chapel Hill townships authorized.

SEC. 5. That the sheriff may appoint two deputies for Hillsboro Township and one deputy for Chapel Hill Township with such salary as the board of county commissioners shall determine, but said salaries shall not exceed one thousand five hundred dollars per annum: Provided, however, that the salary deputies in Hillsboro and Chapel Hill Townships shall not receive fees for serving summons, subpoenas, notices and processes of any kind, or for arrests, but all fees so collected shall be turned over to the treasurer of said county to be entered in the salary fund of the county. All commissions and fees made and collected by said deputies from executions shall be and remain the property of said deputies.

Salaries of such deputies.

Appointment of jailer authorized.

SEC. 6. That the sheriff shall appoint a jailer, who may be also deputy sheriff, whose compensation shall be fixed by the board of county commissioners and paid from the salary fund of the county. That in addition to the salaries herein provided for the county commissioners may make such allowance as they deem just and proper for transportation and travel in connection with the proper operation of the sheriff's office, such allowance to be paid either to the sheriff or to the deputies as in the discretion of the board of county commissioners appears just and proper.

Salary and allowances of jailer.

Salary of Register of Deeds.

SEC. 7. That the register of deeds of said county shall receive a salary of two thousand dollars per annum in lieu of all other compensation whatever. That the register of deeds shall appoint such clerical assistance as may be necessary, who shall be paid such amounts per annum as may be determined by the Commissioners of Orange County, not to exceed one thousand and eighty dollars per annum.

Salary of County Treasurer.

SEC. 8. That the Treasurer of Orange County shall receive a salary of one thousand two hundred dollars per annum in lieu of all other fees and commissions received by virtue of said office.

Appointment of office clerk for county accountant and tax supervisor authorized.

SEC. 9. That the county accountant and tax supervisor shall have the authority to appoint an office clerk, whose salary shall be determined by the board of county commissioners, but shall not exceed the sum of one thousand two hundred dollars per annum.

County Treasurer to pay salaries.

SEC. 10. That the Treasurer of Orange County shall pay the salaries provided for under this Act by vouchers drawn

in favor of the officer or clerk who may be entitled to same, said vouchers to be payable out of the salary fund hereinafter provided for, and are to be drawn and delivered one half on the fifteenth and one half on the last day of each month covering the current month. That the treasurer shall also pay from the said salary fund the premiums on the official bonds of all officials and employees of the county where bonds are required by the board of commissioners and where said bonds are given by some bonding company.

Premiums on official bonds to be paid by Treasurer.

SEC. 11. That the officers hereinbefore mentioned shall faithfully perform all of the duties of their respective offices imposed upon them by law, and shall receive no compensation or allowance whatever for any extra or additional service rendered to the county or the State or other governmental agencies, under existing law, or laws hereafter enacted (except as hereinbefore provided), and they shall be liable to all the pains or penalties now or hereafter provided for failure to perform the duties of their offices.

Such officers to perform their duties without additional compensation.

SEC. 12. That the officers hereinbefore named are each required to keep a fee book upon which shall be entered immediately upon their receipt, all fees or commissions, and are required to turn over to the Treasurer of Orange County all moneys coming into their hands from such source, and the treasurer, or county accountant, shall audit the said books and diligently compare the same with the books and papers in the office of each officer at the time of the settlement to ascertain whether same is correct; and on the first Monday of each month the county accountant shall post at the courthouse door an itemized statement showing the amounts received by him from each officer covering the second preceding month. The county commissioners may at any time require said officers, or any of them, to exhibit to them all books and accounts showing all moneys received and turned over to the treasurer under the provisions of this Act.

Such officers required to keep fee books.

Books to be audited.

County Commissioners may require books to be exhibited.

SEC. 13. Any officer hereinbefore mentioned who shall wilfully fail or refuse to collect the full fee, commissions or emoluments of any kind belonging to the office, or who shall fail to turn over the same to the county treasurer, shall be guilty of a misdemeanor.

Failure to collect or account to Treasurer made misdemeanor.

SEC. 14. All of the moneys coming into the hands of the Treasurer of Orange County by virtue of this Act as well as other amounts allotted by law to the salary fund shall be held by him as a separate and distinct fund; and after paying the monthly salaries and allowances provided for in this Act, and after paying premiums for the official bonds, when directed by the board of commissioners, the balance of said fund, if any, shall annually be transferred to the general fund

Handling of certain funds by County Treasurer provided for.

Board of Commissioners to supplement salary fund.

of the county. The board of commissioners at the beginning of each fiscal year shall transfer from the general fund of the county a sufficient amount to supplement the receipts of the salary fund so as to provide sufficient funds with which to meet the salaries herein provided for.

Conflicting laws repealed.

SEC. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 16. That this Act shall be in full force and effect on and after the first day of January, one thousand nine hundred and forty-three.

Ratified this the 3rd day of February, 1943.

## H. B. 59

## CHAPTER 29

### AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, THE MEMBERS OF THE COUNTY BOARD OF EDUCATION AND WARRANT OFFICERS, IN GATES COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of County Commissioners of Gates County fixed.

SECTION 1. That each member of the Board of County Commissioners of Gates County shall receive for his services and expenses in attending meetings of the board five dollars (\$5.00) per day. Each member shall also be allowed mileage at the rate of five cents (5¢) per mile going to and returning from meetings of the board.

Compensation of members of Board of Education fixed.

SEC. 2. That each member of the County Board of Education of Gates County shall receive for his services and expenses in attending meetings of the board the sum of five dollars (\$5.00) per day. Each member shall also receive mileage at the rate of five cents (5¢) per mile going to and returning from meetings of the board.

Mileage allowance of warrant officers.

SEC. 3. That the warrant officers (sheriffs, constables, and other officers serving processes and precepts) of Gates County shall receive mileage at the rate of five cents (5¢) per mile while in the actual performance of their official duties, this five cents (5¢) per mile to be taxed in the bill of costs in addition to other items ordinarily included therein.

Application of Act.

SEC. 4. That this Act shall apply only to Gates County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

H. B. 75

## CHAPTER 30

AN ACT TO LEGALIZE AND VALIDATE ACTS DONE AND PROCEEDINGS TAKEN TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS OF THE CITY OF NEW BERN, AND TO PROVIDE FOR THE ISSUANCE OF SUCH BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The acts done and proceedings taken by the Board of Aldermen of the City of New Bern, or by other officers of said city, in relation to the issuance of bonds of said city of an aggregate principal amount not exceeding three hundred and seventy-five thousand dollars to finance the cost of enlarging and improving the electric light system maintained by said city to supply electric light to said city and its inhabitants, including the bond ordinance providing for the issuance of said bonds by said board of aldermen on the fourth day of February, one thousand nine hundred and forty-one, and the acts done and proceedings taken for the purpose of submitting to the qualified voters of said city at the general city election held in said city on the sixth day of May, one thousand nine hundred and forty-one, the question whether said bond ordinance and the indebtedness to be incurred in issuing the bonds and the levy annually of a tax sufficient to pay the bonds and interest thereon, authorized thereby, should be approved or disapproved, are hereby legalized and validated, notwithstanding any lack of power in said board of aldermen to authorize and issue said bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings, including the notice of such election and the proceedings taken or acts done to canvass and determine and declare the result of such election.

Proceedings relating to issuance of bonds for electric light system of City of New Bern validated.

SEC. 2. The acts done and proceedings taken by the Board of Aldermen of the City of New Bern, or by other officers of said city, in relation to the issuance of bonds of said city of an aggregate principal amount not exceeding one hundred and seventy-five thousand dollars to finance the cost of enlarging and improving the water supply system maintained by said city to supply water to said city and its inhabitants, including the bond ordinance providing for the issuance of said bonds adopted by said board of aldermen on the seventh day of April, one thousand nine hundred and forty-two, and the acts done and proceedings taken for the purpose of calling, holding and canvassing the result of the special election held in said city on the twelfth day of May, one thousand nine hundred and forty-two, at which was submitted the question whether said bond ordinance and the indebtedness to be incurred in issuing the bonds and the levy annually of a tax sufficient to pay the bonds and interest thereon, authorized thereby,

Proceedings relating to issuance of bonds for enlarging water supply system validated.

should be approved or disapproved, are hereby legalized and validated, notwithstanding any lack of power in said board of aldermen to authorize and issue said bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings, including the notice of such election and the proceedings taken or acts done to canvass and determine and declare the result of such election, and notwithstanding that notice of such election was not given in the manner or for the period of time prescribed by law.

Issuance of such bonds pursuant to provisions of Municipal Finance Act authorized.

SEC. 3. The City of New Bern shall have power to issue the bonds authorized by said bond ordinances in the manner and subject to the conditions and limitations prescribed by law for the issuance of bonds authorized by a bond ordinance adopted pursuant to the municipal finance act, one thousand nine hundred and twenty-one, as amended, and when said bonds shall have been issued pursuant to said bond ordinances and in accordance with such law they shall constitute valid and binding obligations of said city.

Levying of special tax for payment of said bonds authorized.

SEC. 4. The board of aldermen of said city is hereby authorized to levy annually a special tax ad valorem on all taxable property in said city for the purpose of paying the principal of and interest on said bonds as the same become due and payable, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which said city is authorized to levy.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

H. B. 92

### CHAPTER 31

AN ACT TO LEGALIZE AND VALIDATE ACTS DONE AND PROCEEDINGS TAKEN TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS OF THE TOWN OF MURFREESBORO AND TO PROVIDE FOR THE ISSUANCE OF SUCH BONDS, AND TO LEGALIZE AND VALIDATE OUTSTANDING BONDS TO BE REFUNDED BY THE ISSUANCE OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

Proceedings relating to the issuance of certain refunding bonds of the Town of Murfreesboro validated.

SECTION 1. The acts done and proceedings taken by the Board of Commissioners of the Town of Murfreesboro, or by other officers of said town, in relation to the issuance of refunding bonds of said town of an aggregate principal amount of not exceeding sixteen thousand dollars (\$16,000.00) to refund the

principal of the outstanding bonds of said town hereinafter described, including the bond ordinance providing for the issuance of said refunding bonds adopted by said board of commissioners on the tenth day of February, one thousand nine hundred and forty-two, are hereby legalized and validated, notwithstanding any lack of power in said board of commissioners to authorize and issue said refunding bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings.

SEC. 2. The acts done and proceedings taken by the Board of Commissioners of the Town of Murfreesboro, or by other officers of said town, in relation to the issuance of bonds of said town of an aggregate principal amount not exceeding four thousand dollars (\$4,000.00) to finance the cost of improving certain public streets in said town, including the bond ordinance providing for the issuance of said bonds adopted by said board of commissioners on the twenty-second day of September, one thousand nine hundred and forty-two, and the acts done and proceedings taken for the purpose of calling, holding and canvassing the result of the special election held in said town on the fifteenth day of December, one thousand nine hundred and forty-two, at which was submitted the question whether said bond ordinance and the indebtedness to be incurred in issuing the bonds and the levy annually of a tax sufficient to pay the bonds and interest thereon, authorized thereby, should be approved or disapproved, are hereby legalized and validated, notwithstanding any lack of power in said board of commissioners to authorize and issue said bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings, including the giving of notice of such election and the proceedings taken or acts done to canvass and determine and declare the result of such election.

Proceedings relating to the issuance of certain street improvement bonds validated.

SEC. 3. The refunding street bonds of the aggregate principal amount of five thousand dollars (\$5,000.00), dated the first day of July, one thousand nine hundred and thirty-five, and payable serially, one five hundred dollar (\$500.00) bond on July first in each of the years one thousand nine hundred and forty-three to one thousand nine hundred and fifty-two, inclusive, and the street and sidewalk bonds of the aggregate principal amount of three thousand dollars (\$3,000.00), dated the first day of October, one thousand nine hundred and thirty-eight, and payable serially, one five hundred dollar (\$500.00) bond on October first in each of the years one thousand nine hundred and forty-three to one thousand nine hundred and forty-eight, inclusive, and the street and public improvement bonds of the aggregate principal amount of six thousand five hundred dollars (\$6,500.00), dated the fifteenth day of December, one thousand nine hundred and forty, and payable serially, one five hundred dollar (\$500.00) bond on December fifteenth in

Certain bonds of Town of Murfreesboro validated.

each of the years one thousand nine hundred and forty-three to one thousand nine hundred and fifty-five, inclusive, being a part of the bonds of said town authorized to be refunded by the provisions of said ordinance adopted by said board of commissioners on the tenth day of February, one thousand nine hundred and forty-two, and all acts done or proceedings taken by the board of commissioners of said town, or by other officers of said town, in relation to the issuance of said bonds, including the bond ordinances or resolutions providing for the issuance of said bonds adopted by said board of commissioners on the eighth day of July, one thousand nine hundred and thirty-five and the twenty-fifth day of August, one thousand nine hundred and thirty-eight, and the twelfth day of November, one thousand nine hundred and forty, and the acts done and proceedings taken for the purpose of calling, holding and canvassing the result of special elections held in said town on the twenty-seventh day of September, one thousand nine hundred and thirty-eight, and the fourteenth day of December, one thousand nine hundred and forty, at which were submitted questions whether certain of said bond ordinances and the indebtedness to be incurred in issuing the bonds authorized thereby and the levy annually of a tax sufficient to pay the bonds and the interest thereon, authorized thereby, should be approved or disapproved, are hereby legalized and validated, notwithstanding any lack of power in said board of commissioners to authorize and issue said bonds or to sell, execute and deliver the same, and notwithstanding any defects or irregularities in such proceedings, including the giving of notice of such elections and the proceedings taken or acts done to canvass and determine and declare the result of such elections. It is hereby determined that each of the purposes financed by the issuance of said outstanding bonds was a necessary expense of said town. Said bonds are hereby declared to be valid and legally binding obligations of said town.

Purposes financed by issuance of said bonds declared necessary expense.

Issuance of certain bonds pursuant to provisions of Municipal Finance Act authorized.

SEC. 4. The Town of Murfreesboro shall have power to issue the bonds authorized by said bond ordinances adopted by the board of commissioners on the tenth day of February, one thousand nine hundred and forty-two, and the twenty-second day of September, one thousand nine hundred and forty-two, or any part of said bonds, in the manner and subject to the conditions and limitations prescribed by law for the issuance of bonds authorized by a bond ordinance adopted pursuant to The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and when said bonds shall have been issued pursuant to said bond ordinances and in accordance with such law they shall constitute valid and binding obligations of said town.

Levying of special tax for payment of said bonds authorized.

SEC. 5. The board of commissioners of said town is hereby authorized to levy annually a special tax ad valorem on all taxable property in said town for the purpose of paying the

principal of and interest on said bonds as the same become due and payable, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which said town is authorized to levy.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

H. B. 231

### CHAPTER 32

AN ACT TO AUTHORIZE THE ADMISSION OF AN ALIEN WIFE OF A CITIZEN AND RESIDENT NORTH CAROLINIAN TO THE STATE HOSPITALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and sixty-five of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be, and the same hereby is, amended by adding at the end of Section one thereof the following: Ch. 265, Public Laws, 1929, amended.

“That the superintendent of any of said State Hospitals is hereby authorized, within his discretion, to receive in any of said institutions the alien wife of a citizen and resident of North Carolina who has resided in this State for as long as ten years and is the mother of a son who is serving or has served as a member of the Armed Forces of the United States.” Superintendents of State Hospitals authorized to admit alien wife of N. C. citizen in certain instances.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of February, 1943.

S. B. 14

### CHAPTER 33

AN ACT REVISING AND CONSOLIDATING THE PUBLIC AND GENERAL STATUTES OF THE STATE OF NORTH CAROLINA.

(By authority provided in Senate Bill No. 67, ratified February 1st, 1943, this Act, ratified February 4th, 1943, is eliminated from this volume of 1943 Public Laws and the Act as ratified bearing the signatures of the Presiding Officers of the General Assembly is in a separate bound volume and on file in the office of the Secretary of State.)

## S. B. 34

## CHAPTER 34

AN ACT TO AMEND SECTION FOUR THOUSAND FOUR HUNDRED AND TEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, TO PERMIT THE TAX COLLECTOR AND DEPUTY TAX COLLECTORS OF HALIFAX COUNTY TO CARRY ARMS WHEN ON OFFICIAL DUTY.

*The General Assembly of North Carolina do enact:*

C. S. 4410  
amended.

SECTION 1. That Section four thousand four hundred and ten of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by striking out the period at the end and inserting a colon in lieu thereof and by adding the following:

Tax Collector  
and Deputy  
Tax Collectors  
of Halifax  
County permitted  
to carry arms.

“Provided, the Tax Collector and Deputy Tax Collectors of Halifax County may carry arms, concealed or otherwise, during the time they are engaged in the performance of their official duties.”

Application  
of Act.

SEC. 2. That this Act shall apply only to Halifax County.

Conflicting  
laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

## H. B. 10

## CHAPTER 35

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND SIXTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE SALARY OF THE DEPUTY SHERIFF OF CURRITUCK COUNTY ASSIGNED TO AND RESIDING IN CRAWFORD TOWNSHIP.

*The General Assembly of North Carolina do enact:*

Ch. 316, Public-  
Local Laws,  
1941, relating to  
salary of deputy  
sheriff of  
Currituck County,  
repealed.

SECTION 1. Chapter three hundred and sixteen of the Public-Local Laws of one thousand nine hundred and forty-one relating to the salary of the Deputy Sheriff of Currituck County assigned to and residing in Crawford Township is hereby repealed.

Conflicting  
laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 84

CHAPTER 36

AN ACT REQUIRING THE SHERIFF, DEPUTIES SHERIFF, SPECIAL DEPUTIES SHERIFF, AND ALL OTHER LAW ENFORCEMENT OFFICERS IN CURRITUCK COUNTY TO ACCOUNT FOR FEES COLLECTED FOR THE SERVICE OF WARRANTS AND OTHER PROCESS ISSUED PURSUANT TO A CITATION ISSUED BY A STATE HIGHWAY PATROLMAN OR OTHER OFFICER CONNECTED WITH THE STATE HIGHWAY PATROL.

*The General Assembly of North Carolina do enact:*

SECTION 1. The sheriff, deputies sheriff, special deputies sheriff, and all other law enforcement officers of Currituck County be, and they are hereby, required to pay into the general fund of Currituck County all fees received by them from the service of warrants or other process issued pursuant to a citation issued by a State Highway Patrolman or other officer connected with the State Highway Patrol.

Fees received by law enforcement officers of Currituck County for service of certain warrants to be paid into general fund of county.

SEC. 2. Any law enforcement officer of Currituck County failing to comply with the provisions of this Act shall, upon conviction, be guilty of a misdemeanor, and be fined not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00), or imprisoned not more than thirty (30) days.

Violation made misdemeanor.

Penalties for violation.

SEC. 3. That this Act shall apply only to Currituck County.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943..

H. B. 95

CHAPTER 37

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE RURAL HALL SANITARY DISTRICT IN FORSYTH COUNTY TO PURCHASE AND MAINTAIN NECESSARY FIRE FIGHTING EQUIPMENT FROM FUNDS DERIVED FROM THE SALE OF WATER IN SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of the Rural Hall Sanitary District in Forsyth County is hereby authorized and empowered to purchase, equip, install and maintain a sufficient amount of fire fighting equipment to protect the property in said district from destruction or damage by fire.

Board of Commissioners of Rural Hall Sanitary District in Forsyth County authorized to purchase fire fighting equipment.

Such equipment to be maintained from revenues from sale of water.

SEC. 2. That the fire fighting equipment provided for in Section one is to be equipped, installed and maintained from revenues derived from the sale of water by the Rural Hall Sanitary District.

Acts of said Board in purchasing fire-fighting equipment validated.

SEC. 3. That all acts heretofore done by said Board of Commissioners toward purchasing, equipping and installing fire fighting equipment in said sanitary district are hereby validated and confirmed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 99

CHAPTER 38

AN ACT TO AMEND CHAPTER THIRTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE PERTAINING TO THE APPOINTMENT OF A DEPUTY SHERIFF IN FRUITVILLE TOWNSHIP IN CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 13, Public-Local Laws, 1935, rewritten.

SECTION 1. That Section one of Chapter thirteen of the Public-Local Laws of one thousand nine hundred and thirty-five be rewritten to read as follows:

Deputy sheriff provided for Fruitville Township in Currituck County.

“SECTION 1. After the first Monday in December, one thousand nine hundred and thirty-six, the Sheriff of Currituck County shall maintain a deputy sheriff in the Township of Fruitville, whose residence shall be on the island of Knotts Island. His salary shall be three hundred dollars (\$300.00) per annum, to be paid from the general fund of Currituck County in twelve monthly installments.”

Residence and salary prescribed.

Sec. 2, Ch. 13, Public-Local Laws, 1935, rewritten.

SEC. 2. That Section two of Chapter thirteen of the Public-Local Laws of the one thousand nine hundred and thirty-five be stricken out and the following inserted in lieu thereof:

Jurisdiction of said deputy sheriff.

“SEC. 2. The jurisdiction of the deputy sheriff provided for in Section one shall be confined to the territorial boundaries of Fruitville Township and in addition to the salary provided for in Section one said deputy sheriff shall be entitled to retain for his own use all fees and commissions collected by virtue of his office as deputy sheriff.”

Certain fees and commissions allowed said deputy sheriff.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 117

## CHAPTER 39

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE INCREASING THE COMPENSATION OF THE CHAIRMAN OF THE COUNTY BOARDS OF ELECTIONS SO AS TO INCLUDE CURRITUCK COUNTY WITHIN THE PROVISIONS OF SAID CHAPTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter three hundred and five of the Public Laws of one thousand nine hundred and forty-one be amended by striking out the word "Currituck" and the comma immediately following said word in line two of said section.

Sec. 2, Ch. 305, Public Laws, 1941, relating to compensation of chairmen of county boards of election, amended to include Currituck County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 123

## CHAPTER 40

AN ACT TO PROVIDE FOR THE SHARING OF PROFITS FROM THE ALCOHOLIC BEVERAGE CONTROL STORES IN VANCE COUNTY WITH THE CITY OF HENDERSON.

*The General Assembly of North Carolina do enact:*

SECTION 1. From and after July first, one thousand nine hundred and forty-three, fifteen per centum (15%) of the net profits derived from the operation of Alcoholic Beverage Control Stores in Vance County shall be paid to the City of Henderson. The Vance County Board of Alcoholic Control shall make quarterly settlements with said City of Henderson.

Certain profits from operation of A.B.C. stores in Vance County to be paid to City of Henderson.

SEC. 2. All net profits received by the City of Henderson from the operation of Alcoholic Beverage Control Stores in Vance County shall be placed in the debt service fund and shall be paid on the principal and interest of the bonded indebtedness of the City of Henderson exclusively.

Such profits to be used by City of Henderson for debt service.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

## H. B. 146

## CHAPTER 41

AN ACT TO RELIEVE CERTAIN OFFICIALS FROM LIABILITY ON ACCOUNT OF FAILURE TO TAX AND COLLECT THE ONE DOLLAR ADDITIONAL COST ITEM PRIOR TO MAY FIFTEENTH, ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS PROVIDED IN CHAPTER THREE HUNDRED AND FORTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN.

Preamble:

WHEREAS, the General Assembly of one thousand nine hundred and thirty-seven enacted Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven; and

Ch. 349, Public Laws, 1937, required certain court officials to assess one dollar additional costs in certain criminal cases.

WHEREAS, under the provisions of Section nine of said Act, certain court officials were required in every criminal case finally disposed of in the criminal courts, excepting courts of justices of the peace, where the defendant was found guilty and assessed with the payment of the costs, to assess against the person convicted one dollar (\$1.00) additional cost, to be collected and paid over to the Treasurer of North Carolina, and to be used for the purposes mentioned in said Act; and

Officials not notified of above requirement until about May 15, 1937.

WHEREAS, Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven is entitled "An Act to Aid the Administration of the Criminal Law by the Establishment of the State Bureau of Identification and Investigation," and, therefore, there was nothing in the title of the Act to call attention to the fact that officials were required to collect the additional fee required by said Act, and it was not therefore generally known, and the officials were not notified of the requirements of said Act until on or about May fifteenth, one thousand nine hundred and thirty-seven; and

WHEREAS, said officials who failed to assess and collect said item prior to notification of the existence and requirements of said Act should not be penalized on account of their failure to comply with its provisions: Now, therefore,

*The General Assembly of North Carolina do enact:*

Officials relieved from liability for failure to collect such sums prior to May 15, 1937.

SECTION 1. That all officials who were required by the provisions of Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven to assess, collect, and pay over to the Treasurer of the State of North Carolina the one dollar (\$1.00) additional cost item provided for in Section nine of said Act be, and they are hereby, relieved from any liability on account of their failure to assess, collect and pay over any sums required to be levied, collected and paid over prior to May fifteenth, one thousand nine hundred and

thirty-seven, the date on which said officials were duly notified of their duties under the provisions of said Act.

SEC. 2. That no refunds shall be made by the State Treasurer of any amounts assessed, collected, and paid over to him on account of cases disposed of prior to May fifteenth, one thousand nine hundred and thirty-seven.

No refund made for amounts collected on cases disposed of prior to May 15, 1937.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 150

## CHAPTER 42

AN ACT TO REQUIRE THE SHERIFF, DEPUTY SHERIFF, SPECIAL DEPUTY SHERIFF AND ALL OTHER LAW ENFORCEMENT OFFICERS IN CURRITUCK COUNTY TO ACCOUNT TO THE GENERAL FUND OF CURRITUCK COUNTY FOR ALL FEES COLLECTED BY VIRTUE OF THEIR OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Sheriff of Currituck County, all deputies sheriff, all special deputies sheriff, and all other law enforcement officers in Currituck County be, and they are hereby, required to account for and pay into the general fund of Currituck County all fees and commissions collected by them by virtue of their said office.

Law enforcement officers of Currituck County required to account for fees collected.

SEC. 2. The sheriff and each deputy, special deputy, or other law enforcement officer shall make a report under oath to the Board of County Commissioners of Currituck County on the first Monday in each month showing the total amount of fees and commissions collected by such officer and paid into the general fund during the preceding month.

Monthly reports to Board of Commissioners required.

SEC. 3. The Board of County Commissioners of Currituck County, upon the receipt of such reports, shall incorporate same in the minutes of said board and when so incorporated, each shall be published as a part of the minutes of said board in the manner required by law.

Reports to be incorporated in minutes of Board.

SEC. 4. That this Act shall apply to Currituck County only.

Application of Act.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 170

## CHAPTER 43

## AN ACT TO PROVIDE FOR A MORE UNIFORM REPRESENTATION OF THE PEOPLE OF CASWELL COUNTY ON THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Number of County Commissioners of Caswell County fixed at five.

C. S. Walters and E. S. Butler appointed Commissioners in addition to present Commissioners.

Caswell County divided into five county commissioner districts.

Limits of District number one.

Limits of District number two.

Limits of District number three.

Limits of District number four.

Limits of District number five.

One County Commissioner to be elected from each district by voters of county.

Where district is not represented on Board, C. S. C. to appoint member from such district.

Application of Act.

SECTION 1. That from and after the first Monday in April, one thousand nine hundred and forty-three, the Board of County Commissioners of Caswell County shall consist of five (5) members. In addition to the present three (3) county commissioners, the following two (2) persons are appointed county commissioners, to take office the first Monday in April, one thousand nine hundred and forty-three, and to have all the powers, rights, duties and authority as the present members of the Board of County Commissioners:

- (1) C. S. Walters;
- (2) E. S. Butler.

SEC. 2. That the County of Caswell is hereby divided into the following five (5) county commissioner districts:

- (1) District number one shall consist of Yanceyville Township;
- (2) District number two shall consist of Pelham and Dan River Townships;
- (3) District number three shall consist of Milton and Leasburg Townships;
- (4) District number four shall consist of Hightowers and Anderson Townships;
- (5) District number five shall consist of Stoney Creek and Locust Hill Townships.

SEC. 3. That at the next election for the election of county commissioners and at each such election thereafter, the qualified voters of Caswell County shall elect one county commissioner from each of the five (5) districts as constituted above: Provided, that the method of selecting nominees for the position of county commissioner shall be the same as heretofore practiced in Caswell County.

SEC. 4. That if no district is represented on the Board of County Commissioners by reason of the failure of any person from the district to become a candidate, or for any other reason, the Clerk of the Superior Court of Caswell County shall appoint some person from the district which has no representative, as a member of the Board of County Commissioners of Caswell County.

SEC. 5. That this Act shall apply only to Caswell County.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 179

## CHAPTER 44

AN ACT TO REGULATE THE TERMS OF OFFICE OF THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY BY AMENDING SECTION ONE THOUSAND TWO HUNDRED AND NINETY-TWO OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA AND CHAPTER FIVE HUNDRED AND EIGHTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The term of office of the two incumbent members of the Board of County Commissioners of Cumberland County elected from Districts numbers three and five in said county shall be enlarged and extended and they shall hold their term of office until the first Monday in December, one thousand nine hundred and forty-six. That at the general election held in November, one thousand nine hundred and forty-six, and quadrennially thereafter, the county commissioners elected from Districts numbers three and five shall be elected by the qualified voters therefor for a term of four years from the first Monday in December after their election, or until their successors are elected and qualified.

Term of office of County Commissioners of Cumberland County from Districts three and five extended.

Term of office of Commissioners from Districts three and five fixed.

SEC. 2. The three incumbent members of the Board of County Commissioners of Cumberland County elected from Districts numbers one, two and four shall hold their term of office until the first Monday in December, one thousand nine hundred and forty-four. That at the general election held in November, one thousand nine hundred and forty-four, and quadrennially thereafter, the county commissioners elected from Districts numbers one, two and four shall be elected by the qualified voters therefor for a term of four years from the first Monday in December after their election, or until their successors are elected and qualified.

Term of office of County Commissioners from Districts one, two and four fixed.

SEC. 3. That all laws and clauses of laws, and in particular Section one thousand two hundred and ninety-two of the Consolidated Statutes of North Carolina and Chapter five hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and twenty-three, are amended and repealed in so far as they conflict with the provisions of this Act.

C. S. 1292, and Ch. 589, Public-Local Laws, 1923, amended and repealed in so far as they conflict with this Act.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

H. B. 182

### CHAPTER 45

#### AN ACT RELATING TO THE SETTLEMENT OF BACK TAXES DUE THE TOWN OF EAST SPENCER IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

Board of Aldermen of Town of East Spencer authorized to collect or settle back taxes.

Back taxes defined.

Settlement of back taxes as provided in Sec. 1 discharges debt and lien of back taxes.

Conflicting laws repealed.

SECTION 1. That the Board of Aldermen of the Town of East Spencer is hereby authorized, empowered, and directed to collect, compromise, settle, or adjust, in its discretion, any and all back taxes upon the tax records as due to the said Town of East Spencer. Back taxes referred to in this section shall include all taxes due for the tax year one thousand nine hundred and forty and prior thereto.

SEC. 2. That the settlement, compromise or adjustment of back taxes as provided in Section one hereof shall operate to fully settle, extinguish, and discharge the debt and/or lien of said back taxes.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of February, 1943.

S. B. 57

### CHAPTER 46

#### AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE SALARY OF THE COUNTY TREASURER OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 247, Public-Local Laws, 1927, rewritten.

Ch. 101, Public-Local Laws, 1919, amended.

SECTION 1. That Section one of Chapter two hundred and forty-seven of the Public-Local Laws of one thousand nine hundred and twenty-seven, amendatory of Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and nineteen, is hereby rewritten to read as follows:

“SECTION 1. That Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and nineteen be amended so that a new section may be inserted after Section

four thereof, to read as follows: 'Sec. 5. That the County Treasurer of Guilford County shall, in addition to the duties prescribed by law, discharge such other duties as may be assigned to him by the board of county commissioners of said county, and his compensation shall be three thousand nine hundred dollars (\$3,900.00) per annum.'

Compensation of  
County Treasurer  
of Guilford  
County fixed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

S. B. 58

### CHAPTER 47

AN ACT TO AMEND SECTION FOUR OF CHAPTER ONE HUNDRED AND ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and nineteen, as amended by Chapter eleven of the Public-Local Laws of one thousand nine hundred and twenty-one, and as further amended by Chapter thirty-two of the Public-Local Laws of one thousand nine hundred and twenty-seven, is hereby rewritten to read as follows:

Sec. 4, Ch. 101,  
Public-Local  
Laws, 1919,  
rewritten.

"SEC. 4. That the compensation of the Register of Deeds of Guilford County shall be four thousand eight hundred dollars (\$4,800.00) per annum."

Compensation  
of Register  
of Deeds of  
Guilford County  
fixed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

## S. B. 130

## CHAPTER 48

## AN ACT RELATING TO PUBLISHING THE SESSION LAWS OF THE GENERAL ASSEMBLY BY THE SECRETARY OF STATE.

*The General Assembly of North Carolina do enact:*

C. S. 6111,  
rewritten.

SECTION 1. That Section six thousand one hundred and eleven (6111), be, and the same is hereby repealed and the following is inserted and enacted in lieu thereof:

Secretary of  
State to have  
laws printed.

"SEC. 6111. *Secretary of State to Have Laws Printed*—The Secretary of State, immediately upon the termination of each session of the General Assembly, shall cause to be published in one volume all the laws and joint resolutions passed at such session, whether public, private, general or special within the meaning of the Constitution and without regard to classification, except that the laws and resolutions shall be kept separate and indexed separately; and the volume shall contain his certificate that it was printed under his direction from enrolled copies on file in his office. In the printing, he shall omit the certificate required to be endorsed upon the original bills and resolutions; but he shall insert immediately at the end of each law or resolution the word 'ratified', adding the day, month and year."

All laws and  
resolutions to  
be published in  
one volume.

Laws and reso-  
lutions to be  
kept separate  
and indexed  
separately.

C. S. 7659,  
repealed.

SEC. 2. That all of the provisions of Section seven thousand six hundred and fifty-nine (7659) of the Consolidated Statutes of North Carolina, as amended, be, and the same are hereby repealed.

C. S. 7670,  
amended.

SEC. 3. That Section seven thousand six hundred and seventy (7670) of the Consolidated Statutes be and the same is hereby amended by striking out the words "Public Laws" and inserting in lieu thereof "Session Laws."

Sec. 1, Ch. 379,  
Public Laws,  
1941, amended.

SEC. 4. That Section one of Chapter three hundred and seventy-nine (379) of the Public Laws of one thousand nine hundred and forty-one, be, and the same is hereby amended by striking out the words "Public Laws, Public-Local and Private Laws" in lines three and four of said section and inserting in lieu thereof the words "Session Laws" and that said section be further amended by eliminating from the table the heading "Public-Local and Private Laws" and all numerals and words listed in the column thereunder and that said table be further amended by changing the words "Public Laws" to read "Session Laws."

Chapter three hundred and seventy-nine of the Public Laws of one thousand nine hundred and forty-one is hereby further amended as follows:

Sec. 2, Ch. 379,  
Public Laws,  
1941, amended.

Section two is hereby amended by deleting the words "Public-Local and Private Laws" in lines six and seven, and substituting the words "Session Laws" in lieu thereof.

Section three is hereby amended by striking out the words "Public Laws" in lines two and six and inserting in lieu thereof in each line the words "Session Laws."

Sec. 3, Ch. 379,  
Public Laws,  
1941, amended.

Section four is hereby amended by striking out the words "Public Laws" in the fourth line and inserting in lieu thereof the words "Session Laws."

Sec. 4, Ch. 379,  
Public Laws,  
1941, amended.

SEC. 5. That Section one of Chapter eighty-five of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby amended by striking out the word "Public" in the first sentence and inserting in lieu thereof the word "Session," and that said section be further amended by striking out the words and figures "twelve hundred and fifty (1250) volumes of Public-Local and Private Laws."

Sec. 1, Ch. 85,  
Public Laws,  
1929, amended.

SEC. 6. That wherever the words "public," "public-local" and "private" or a combination of these words appear in the Consolidated Statutes and Acts amendatory thereto, relating to the printing and distribution of the Acts of the General Assembly, the same be stricken out and the words "Session Laws" be inserted in lieu thereof.

Words "public,"  
"public-local"  
and "private"  
relating to  
printing and  
distribution  
of Acts of Gen-  
eral Assembly  
changed to  
"Session laws."

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

H. B. 6

## CHAPTER 49

### AN ACT TO AMEND THE FAYETTEVILLE PRIMARY ELECTION LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all laws relating to the method of nominating candidates for the Board of Aldermen in the City of Fayetteville be, and they are hereby, amended so as to provide that one candidate for alderman shall be nominated in the biennial primary elections from each of the several wards therein only by the qualified voters of the ward in which each such candidate resides.

One candidate  
for Board of  
Aldermen of  
City of Fayette-  
ville to be nomi-  
nated from each  
ward by voters  
of such ward.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

## H. B. 28

## CHAPTER 50

## AN ACT TO FIX THE TERM OF GRAND JURIES IN McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 2334,  
amended.

SECTION 1. Section two thousand three hundred and thirty-four of the Consolidated Statutes is hereby amended by inserting at the end thereof the following:

Term of members  
of grand jury  
of McDowell  
County fixed.

The first nine members of the grand jury chosen at the first term of the Superior Court of McDowell County for the trial of criminal cases after January first, one thousand nine hundred and forty-three, shall serve for one year and until their successors are chosen and qualified, and at the first of such courts of the fall and spring terms thereafter nine additional jurors shall be chosen to serve for one year and until their successors are chosen and qualified.

Purpose of Act.

SEC. 2. This Act is intended to provide that nine experienced jurors shall at all times serve on the said grand jury unless discharged as provided in Consolidated Statutes, Section two thousand three hundred and thirty-four, but is not otherwise intended to repeal the provisions of Section two thousand three hundred and thirty-four as it affects McDowell County.

Conflicting  
laws repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 8th day of February, 1943.

## H. B. 60

## CHAPTER 51

## AN ACT TO AMEND CHAPTER FIFTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, AS AMENDED BY CHAPTER NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, WITH REFERENCE TO TERMS FOR THE GRAND JURY IN GATES COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 15, Public  
Laws, 1923,  
amended.

SECTION 1. That Chapter fifteen of the Public Laws of one thousand nine hundred and twenty-three, as amended by Chapter ninety-two of the Public Laws of one thousand nine hundred and thirty-three, be amended by striking out the period at the end of Section one and inserting in lieu thereof a colon, and by adding thereafter the following:

Term of members  
of grand jury  
of Gates County  
fixed.

“Provided, further, that the first nine members of the grand jury chosen at the fall term of the Superior Court of Gates County for the trial of criminal cases in the year one thousand nine hundred and forty-three shall serve during the fall

and spring terms, and at the spring and fall terms thereafter, nine additional jurors shall be chosen to serve for one year."

SEC. 2. That this Act shall apply to Gates County only. Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

H. B. 61

CHAPTER 52

AN ACT TO FIX THE TERMS OF OFFICE OF THE JUDGE AND SOLICITOR OF THE GATES COUNTY RECORDER'S COURT, AND TO FIX THE COMPENSATION OF THE JUDGE, THE SOLICITOR, THE CLERK, AND THE SHERIFF FOR HIS ATTENDANCE UPON SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of office of the present Judge and the present Solicitor of the Gates County Recorder's Court are continued until and shall expire on the first Monday in December, one thousand nine hundred and forty-four. Term of office of Judge and Solicitor of Gates County Recorder's Court fixed.

SEC. 2. At the general election held in Gates County in one thousand nine hundred and forty-four, and at each general election thereafter, there shall be elected a Judge for the Gates County Recorder's Court and a Solicitor for the Gates County Recorder's Court, each of whom shall hold office for a term of four (4) years.

SEC. 3. The Judge and the Solicitor of the Gates County Recorder's Court shall each receive an annual salary of six hundred dollars (\$600.00). Salary of Judge and Solicitor.

SEC. 4. The Clerk of the Gates County Recorder's Court shall receive an annual salary of three hundred dollars (\$300.00). Salary of Clerk of Gates County Recorder's Court.

SEC. 5. That the Sheriff of Gates County shall receive a salary of three hundred dollars (\$300.00) for his attendance upon the Gates County Recorder's Court. Salary of sheriff of Gates County for attendance on Gates County Recorder's Court.

SEC. 6. That this Act shall apply only to Gates County. Application of act.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

## H. B. 88

## CHAPTER 53

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AS AMENDED, RELATING TO THE PRACTICE OF BARBERING IN THE STATE OF NORTH CAROLINA, SO AS TO BRING THE FUNDS COLLECTED UNDER THE PROVISIONS OF SAID ACT UNDER THE SUPERVISION OF THE DIRECTOR OF THE BUDGET.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 119,  
Public Laws,  
1929, amended.

SECTION 1. That Section seven of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be further amended by striking out all of said section beginning with the words "Said full time secretary" in line thirteen and inserting in lieu thereof the following:

Secretary of  
State Board of  
Barber Examiners  
to furnish bond.

"Said full time secretary, before entering upon the duties of his office, shall execute to the State of North Carolina a satisfactory bond with a duly licensed bonding company in this State as surety or other acceptable surety, such bond to be in the penal sum of not less than ten thousand dollars (\$10,000.00) and conditioned upon the faithful performance of the duties of his office and the true and correct accounting of all funds received by him. Said full time secretary shall turn over to the State Treasurer to be credited to the State Board of Barber Examiners all funds collected or received by him under this Act, such funds to be held and expended under the supervision of the Director of the Budget, exclusively for the enforcement and administration of the provisions of this Act, subject to the limitations hereof. Provided, however, that nothing herein shall be construed to authorize any expenditure in excess of the amount available from time to time in the hands of the State Treasurer derived from fees collected under the provisions of this Act and received by the said State Treasurer in the manner aforesaid."

Disposition of  
funds collected  
by secretary.

Sec. 8, Ch. 119,  
Public Laws,  
1929, rewritten.

SEC. 2. That Section eight of Chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-nine, as amended, be rewritten to read as follows:

Compensation  
of members of  
Board fixed.

"SEC. 8. Each member of the Board of Barber Examiners shall receive for his services an annual salary of three thousand dollars (\$3,000.00), payable in equal monthly installments, and shall be reimbursed for his actual expenses, and shall receive not less than five cents (5¢) per mile for the distance traveled in performance of his duties, which said salary and expense and all other salaries and expenses in connection with the administration of this Act, shall be paid upon warrant drawn on the State Treasurer, solely from the funds derived from the

fees collected and received under this Act. The board shall employ such agents, assistants and attorneys as it may deem necessary. Each member of the Board of Barber Examiners, and each of its agents and assistants who collect any moneys or fees in the discharge of their duties, shall execute to the State of North Carolina a bond in the sum of one thousand dollars (\$1,000.00) conditioned upon the faithful performance of his duties of office, and the true accounting for all funds collected. There shall be annually made by the State Auditing Department, a complete audit and examination of the receipts and disbursements, and the State Board of Barber Examiners shall report annually to the Governor, a full statement of its receipts and expenditures, and also a full statement of its work during the year, together with such recommendations as it may deem expedient."

Board authorized to employ agents, assistants, etc.

Members of Board and certain agents to furnish bond.

Annual audit required.

Report of Governor.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of February, 1943.

H. B. 119

## CHAPTER 54

### AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO LEVY SPECIAL TAXES FOR SPECIAL PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Scotland County be and they are hereby authorized and empowered to levy a tax on all taxable property in said county, not exceeding ten cents on each one hundred dollars valuation, for the special and necessary purposes of fire prevention and control and such equipment as may be necessary for fire prevention and control for said county; to pay the salaries and expenses of the county farm agent's office and other extension services; to pay the salaries and expenses of the county accountant or county auditor's office and to pay the expense of audits for any department of the county Government where it is deemed necessary.

Board of Commissioners of Scotland County authorized to levy tax for certain designated purposes.

SEC. 2. If any part of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Partial invalidity section.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

H. B. 178

## CHAPTER 55

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE KNOWN AS THE STATE HOUSING LAW.

*The General Assembly of North Carolina do enact:*

Ch. 384, Public  
Laws, 1933,  
repealed.

SECTION 1. That Chapter three hundred and eighty-four of the Public Laws of one thousand nine hundred and thirty-three be, and the same is hereby, repealed.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of February, 1943.

S. B. 35

## CHAPTER 56

AN ACT AMENDING SECTION THIRTY-TWO OF CHAPTER EIGHTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, BEING A PART OF THE COUNTY FINANCE ACT, AND SECTION TWO THOUSAND NINE HUNDRED AND FIFTY OF THE CONSOLIDATED STATUTES, AS AMENDED, BEING A PART OF THE MUNICIPAL FINANCE ACT EXTENDING THE TIME WITHIN WHICH FUNDING AND REFUNDING BONDS MAY BE ISSUED; APPLICABLE ONLY TO BUNCOMBE COUNTY AND MUNICIPALITIES THEREIN.

*The General Assembly of North Carolina do enact:*

Sec. 32, Ch. 81,  
Public Laws,  
1927, being part  
of County  
Finance Act,  
amended.

SECTION 1. That Section thirty-two of Chapter eighty-one, Public Laws of one thousand nine hundred and twenty-seven, as amended, being a part of the County Finance Act, be and the same is hereby amended by striking out the words "five years" in the proviso clause of said section and inserting in lieu thereof the words "seven years".

C. S. 2950, being  
part of Municipal  
Finance Act,  
amended.

SEC. 2. That Section two thousand nine hundred and fifty of the Consolidated Statutes, as amended, being a part of the Municipal Finance Act, be and the same is hereby amended by striking out the words "five years" in the proviso clause of said section and inserting in lieu thereof the words "seven years".

Application  
of Act.

SEC. 3. That the provisions of this Act shall apply only to Buncombe County and the municipalities therein.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. B. 45

## CHAPTER 57

AN ACT TO AMEND THE CONSTITUTION TO MAKE THE COMMISSIONER OF AGRICULTURE AND THE COMMISSIONER OF LABOR CONSTITUTIONAL OFFICERS AND MEMBERS OF THE COUNCIL OF STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one of Article three of the Constitution of North Carolina is hereby amended to read as follows:

Proposed amendment to Sec. 1, Art. III, N. C. Constitution.

“SECTION 1. Officers of the executive department; terms of office. The executive department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.”

Officers of the Executive Department.

Terms of office.

SEC. 2. That Section thirteen of Article three of the Constitution of North Carolina is hereby amended to read as follows:

Proposed amendment to Sec. 13, Art. III, N. C. Constitution.

“SEC. 13. Duties of other executive officers. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall

Duties of other executive officers.

hold the office for the remainder of the unexpired term fixed in the first section of this article.”

Proposed amendment to Sec. 14, Art. III, N. C. Constitution.

SEC. 3. That Section fourteen of Article three of the Constitution of North Carolina is hereby amended to read as follows:

Council of State.

“SEC. 14. Council of State. The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, ex officio, the legal adviser of the executive department.”

Referendum on proposed amendments.

SEC. 4. Sections one, two and three of this Act shall be submitted at the next general election to the qualified voters in the State, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Form of ballots prescribed.

SEC. 5. The electors favoring the adoption of the amendments in Sections one, two and three of this Act shall vote ballots, on which shall be printed or written the words, “For making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State,” and those opposed shall vote a ballot on which shall be written or printed the words, “Against making Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance constitutional officers and members of the Council of State.”

Conduct of election.

SEC. 6. The election upon these amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of the votes cast be in favor of these amendments, it shall be the duty of the Governor of the State to certify these amendments under the Seal of the State to the Secretary of State, who shall enroll the said amendments so certified among the permanent records of his office, and the amendments so certified shall be in force, and every part thereof, from and after the date of such certification.

Certification of amendments upon favorable vote.

Enrollment of amendments.

SEC. 7. The persons elected to the offices of Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance in the general election to be held on the first Tuesday after the first Monday in November, one thousand nine hundred and forty-four, shall, in the event the amendments proposed in

If amendments adopted, Commissioners of Agriculture, Labor and Insurance elected in 1944 to be constitutional officers.

Sections one, two and three of this Act are adopted, be deemed to have been elected to the constitutional offices of Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance.

SEC. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. B. 87

CHAPTER 58

AN ACT TO PROVIDE FOR SPECIAL JUDGES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor of North Carolina may appoint four persons who shall possess the requirements and qualifications of special judges as prescribed by Article four, Section eleven of the Constitution, and who shall take the same oath of office and otherwise be subject to the same requirements and disabilities as are or may be prescribed by law for judges of the Superior Court, save the requirements of residence in a particular district, to be special Judges of the Superior Courts of the State of North Carolina. Two of the said judges shall be appointed from the Western Judicial Division and two from the Eastern Judicial Division, as now established. The Governor shall issue a commission to each of said judges so appointed for a term to begin July first, one thousand nine hundred and forty-three, and to end June thirtieth, one thousand nine hundred and forty-five, and the said commission shall constitute his authority to perform the duties of the office of a special judge of the Superior Courts during the time named herein.

Appointment of four special Judges of Superior Court.

Two from each Judicial Division.

Terms of office.

SEC. 2. That each special judge shall be appointed by the Governor on or before July first, one thousand nine hundred and forty-three, and shall be subject to removal from office for the same causes and in the same manner as regular judges of the Superior Court; and vacancies occurring in the offices created by this Act shall be filled by the Governor in like manner for the unexpired term thereof.

Time of appointment.

Removal.

Vacancy appointments.

SEC. 3. That the Governor is further authorized and empowered, if in his judgment the necessity exists therefor, to appoint at such time as he may determine, not exceeding four additional judges, two of whom shall be residents of the Eastern Judicial Division and two of whom shall be residents of the Western Judicial Division, whose term of office shall begin from his or their appointment and qualification and end June thirtieth,

Appointment of four additional judges if needed.

Two from each Judicial Division.

Terms of office.

Application of other provisions of Act.

one thousand nine hundred and forty-five. That all the provisions of this Act applicable to the four special judges shall be applicable to the four special judges authorized to be appointed under this section.

Authority of appointments extended to regular and special terms.

SEC. 4. That the authority herein conferred upon the Governor, pursuant to Article four, Section eleven, of the Constitution of North Carolina, to appoint such special judges shall extend to regular as well as special terms of the Superior Court, with either civil or criminal jurisdiction, or both, as may be designated by the statutes or by the Governor pursuant to law.

Jurisdiction and power of special judges.

SEC. 5. To the end that such special judges shall have the fullest power and authority sanctioned by Article four, Section eleven, of the Constitution of North Carolina, such judges are hereby vested, in the courts which they are duly appointed to hold, with the same power and authority in all matters whatsoever that regular judges holding the same courts would have. A special judge duly assigned to hold the court of a particular county shall have during said term of court, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same term of court.

Salary and traveling expenses.

SEC. 6. That the special judges so appointed shall receive the same salary and traveling expenses as now are, or may hereafter be, paid or allowed to judges of the Superior Court for holding their regularly assigned courts, and they shall hold all such regular and special terms of court as they may be directed and assigned by the Governor to hold, without additional compensation: Provided, that no person appointed under this Act shall engage in the private practice of law.

Practice of law prohibited.

Settling cases on appeal after expiration of commission.

SEC. 7. That nothing herein shall be construed to prohibit such special judges from settling cases on appeal and making all proper orders in regard thereto after the time for which they were commissioned has expired.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws which may be in conflict with this Act, to the extent of such conflict, are hereby repealed: Provided, that nothing herein shall in any manner affect Sections one thousand four hundred and thirty-five (a) and three thousand eight hundred and eighty-four (a) of Volume three of the Consolidated Statutes, as amended.

C. S. 1435 (a), and 3884 (b), vol. 3, not affected.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. B. 97

## CHAPTER 59

AN ACT TO AMEND SECTION THREE OF CHAPTER FOUR HUNDRED AND NINE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, KNOWN AS THE "MAXIMUM HOUR LAW," BY CHANGING THE MAXIMUM WEEKLY HOURS FOR MALE EMPLOYEES FROM FIFTY-FIVE HOURS PER WEEK TO FIFTY-SIX HOURS PER WEEK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter four hundred and nine of the Public Laws of North Carolina of one thousand nine hundred and thirty-seven be and the same is hereby amended by striking out the word "fifty-five" in lines one and two of the second paragraph of said section and inserting in lieu thereof the word "fifty-six," and by striking out the word "fifty-five" in the third line of the eighth paragraph of said section and inserting in lieu thereof the word "fifty-six," and by striking out the word "fifty-five" in the seventh line of the eighth paragraph of said section and inserting in lieu thereof the word "fifty-six," and by striking out the word "fifty-five" in the eleventh line of the eighth paragraph of said section and inserting in lieu thereof the word "fifty-six."

Sec. 3, Ch. 409,  
Public Laws,  
1937, amended.

And further amend the second paragraph of Section three of Chapter four hundred and nine by adding after the words "because of illness or other cause" the following:

"Provided, that any male person employed working in excess of fifty-five hours in any one week shall be paid time and a half at their regular rate of pay for such excess hours:"

Overtime pay  
in certain cases.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

## H. B. 111                      CHAPTER 60

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SAME BEING THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE ANNUAL PRIVILEGE OR LICENSE TAX ON MUTUAL BURIAL ASSOCIATIONS.

*The General Assembly of North Carolina do enact:*

Sec. 208, Ch. 158, Public Laws, 1939, being the Revenue Act of 1939, amended.

SECTION 1. That Section two hundred and eight of Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be further amended by striking out the following paragraph of Subsection (1):

“On all domestic mutual burial associations, and on each additional branch thereof operated (and where any mutual burial associations has designated more than one undertaker to operate for it), the tax shall be in each instance as upon a separate branch thereof:

With a membership of less than 5,000 .....	\$ 50.00
With a membership of 5,000 or less than 15,000 .....	75.00
With a membership of 15,000 or more .....	100.00”

New section provided for Ch. 158, Public Laws, 1939.

SEC. 2. That Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be further amended by adding thereto a new Section two hundred and eight and one-half, to immediately follow Section two hundred and eight, which shall read as follows:

New privilege tax provided for domestic mutual burial associations.

“SEC. 208½. *Mutual burial associations.* An annual franchise or privilege tax on all domestic mutual burial associations shall be due and payable to the Commissioner of Revenue on or before the first day of April of each year. The amount of this franchise or privilege tax shall be based on the membership of such associations according to the following schedule:

Membership less than 3,000 .....	\$15.00
Membership of 3,000 to 5,000 .....	20.00
Membership of 5,000 to 10,000 .....	25.00
Membership of 10,000 to 15,000 .....	30.00
Membership of 15,000 to 20,000 .....	35.00
Membership of 20,000 to 25,000 .....	40.00
Membership of 25,000 to 30,000 .....	45.00
Membership of 30,000 or more .....	50.00”

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 10th day of February, 1943.

S. B. 70

## CHAPTER 61

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED BY CHAPTER EIGHT HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN AND CHAPTER SEVENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE APPOINTMENT OF A RECORDER AND PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP, SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter six hundred and ninety-two of the Public-Local Laws of one thousand nine hundred and thirteen, as amended by Section one of Chapter seventy-six of the Public-Local Laws of one thousand nine hundred and twenty-five, be amended by striking out all of said section immediately following the colon after the word "substitute," and being all of that portion of said section in quotation, and in lieu thereof the following provision be substituted: "that the present Recorder and the present Prosecuting Attorney of the Recorder's Court of Mount Airy Township shall hold their terms of office until the first Monday in December, one thousand nine hundred and forty-six, at which time the Board of Commissioners of Surry County and the Board of Commissioners of the Town of Mount Airy, sitting in joint session, and the Mayor of Mount Airy, who is hereby appointed chairman of said joint session, shall appoint their successors who shall hold office for a term of four years, and that the office of said Recorder and the office of said Prosecuting Attorney be filled by appointment of the Board of County Commissioners of Surry County and the Board of Commissioners of the Town of Mount Airy, in joint session, each four years thereafter. In case of a tie vote of the joint session, the deciding vote shall be cast by the Mayor of the Town of Mount Airy: Provided, if any Recorder or Prosecuting Attorney shall die, resign, or be removed from office, his successor shall be appointed by the Board of County Commissioners of Surry County and the Board of Commissioners of the Town of Mount Airy, in joint session, for the unexpired term."

SEC. 2. That Section seventeen of Chapter six hundred and ninety-two of the Public-Local Laws of one thousand nine hundred and thirteen, as amended by Section three of Chapter eight hundred and nine of the Public-Local Laws of one thousand nine hundred and fifteen, relating to the employment of a Prosecuting Attorney for the Recorder's Court of Mount Airy Township in Surry County by the Recorder be, and the same hereby is, repealed.

Sec. 3, Ch. 692,  
Public-Local  
Laws, 1913,  
amended.

Term of office  
of present  
Recorder and  
present Prosecut-  
ing Attorney of  
Recorder's Court  
of Mount Airy  
Township.

Board of Com-  
missioners of  
Surry County  
and Town of  
Mount Airy to  
appoint their  
successors.

Term of  
office.

Method of  
filling vacancies.

Sec. 17, Ch. 692,  
Public-Local  
Laws, 1913,  
relating to em-  
ployment of  
Prosecuting  
Attorney by  
Recorder,  
repealed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, 1943.

S. B. 83

CHAPTER 62

AN ACT TO AUTHORIZE THE COPYING OF THE NAMES OF THE REGISTERED ELECTORS IN CERTAIN PRECINCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO FROM THE GENERAL ELECTION REGISTRATION BOOKS AND TO MAKE SUCH ELECTORS ELIGIBLE TO VOTE IN GREENSBORO MUNICIPAL PRIMARIES AND ELECTIONS.

*The General Assembly of North Carolina do enact:*

City Clerk of Greensboro to have prepared certain registration books from old general election registration books.

SECTION 1. That prior to the next municipal primary election to be held in the City of Greensboro after the ratification of this Act, the Chairman of the Guilford County Board of Elections shall make available to the City Clerk of the City of Greensboro the general election registration books of old Greensboro precinct four and new precincts four and nineteen, and the City Clerk of the City of Greensboro shall have copied from the general election registration book for old precinct four and new precincts four and nineteen into new registration books the names of all registered electors shown on said general election registration books, and shall record in said new registration books opposite each name information available with reference to the race, age, and residence of such elector. The City Clerk of the City of Greensboro shall supervise the transferring of the names from the general election registration books into new registration books of the city, and shall, upon the completion of such transfer, return each of said general election registration books to the Chairman of the Guilford County Board of Elections. The city clerk shall have checked the registration book of the city for old precinct four against the new registration books of the city for new precincts numbers four and nineteen of the city and shall have copied into the new registration books for new precincts four and nineteen of the city all names of registered electors which appear in said old registration book for precinct number four of the city and which do not appear in the old general election registration book for precinct four or the new general election registration books for precincts four and nineteen, together with available information with reference to race, age and residence of such elector. Said new registration books shall be the official registration books of the city.

Method of preparation of such books.

New books to be official.

On primary day and on election day in the year one thousand nine hundred and forty-three, the Chairman of the Guilford County Board of Elections shall turn over to the City Clerk of the City of Greensboro the general election registration book of old precinct four and new precincts four and nineteen and in event that any person should appear at the polling place in either of said precincts four or nineteen on primary or election day and contend that such person was registered in either of said precincts for the primary or general election in the year one thousand nine hundred and forty-two, or was registered in old precinct number four of the city for the municipal election held in one thousand nine hundred and forty-one, and the name of such person does not appear on the new registration book of the city, such person may, if in fact so registered, obtain from the city clerk a certificate to the effect that such person was properly registered and it shall be the duty of the registrar to place the name of such person on the city's registration books. On the day following the primary and on the day following the election the city clerk shall return each of said general election registration books to the Chairman of the Guilford County Board of Elections.

Method of registration of certain persons provided.

All persons registered in old precinct four or new precinct four or precinct nineteen, whose names appear in the general election registration books as shown immediately after the general election held in the year one thousand nine hundred and forty-two, and all persons registered in old precinct four of the city whose names appear in the city's registration book for old precinct four of the city as shown immediately after the municipal election held in the year one thousand nine hundred and forty-one and who are otherwise qualified shall be eligible to vote in the municipal primary and election to be held in the year one thousand nine hundred and forty-three and thereafter every person thus registered whose name appears in the registration books of the city and who is otherwise qualified shall be entitled to vote in the municipal primary and election; provided, that the registration books shall be open for new registrations for the municipal primary and election in the year one thousand nine hundred and forty-three and thereafter as provided by law; provided, further, that except in conflict herewith all of the election laws applicable to the City of Greensboro shall be and remain in full force and effect.

Persons entitled to vote in municipal primary and election.

Provision for new registrations.

SEC. 2. That all laws and clauses of laws in conflict with this Act in so far as they affect this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, 1943.

## H. B. 103

## CHAPTER 63

## AN ACT TO APPROPRIATE FUNDS FOR THE EQUIPMENT AND MAINTENANCE OF BASES ESTABLISHED IN THIS STATE BY THE CIVIL AIR PATROL.

*The General Assembly of North Carolina do enact:*

Appropriation  
for Civil Air  
Patrol bases.

SECTION 1. There is hereby appropriated from the General Fund of the State the sum of thirty thousand dollars (\$30,000.00), for the use of the Civil Air Patrol of the Office of Civilian Defense in North Carolina for the establishment, equipment and maintenance of Civil Air Patrol bases at Manteo and at Beaufort, and at such other places in this State as may be found expedient or necessary by the Civil Air Patrol.

Expenditures  
made upon ap-  
proval of Gov-  
ernor and Council  
of State.

SEC. 2. Expenditures from the fund of thirty thousand dollars (\$30,000.00) appropriated in the preceding section for the purposes mentioned in the preceding section shall be made from time to time as approved by the Governor and Council of State.

Conflicting  
laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, 1943.

## H. B. 90

## CHAPTER 64

## AN ACT TO AMEND SECTION ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR TO MAKE SAID SECTION APPLICABLE TO CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1864, vol. 3,  
amended to  
apply to Caswell  
County.

SECTION 1. That Section one thousand eight hundred and sixty-four of Volume three of the Consolidated Statutes of one thousand nine hundred and twenty-four, as amended, is hereby further amended so as to apply to Caswell County, and the name "Caswell" with a proper reference to this Act as it appears in the laws of North Carolina shall be inserted before "Cleveland, 1901, c. 645," appearing in the list of counties contained in said section.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 129

## CHAPTER 65

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY TO PAY THE PREMIUMS ON THE BONDS OF DEPUTY SHERIFFS AND CONSTABLES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Guilford County are hereby authorized, in their discretion, to pay the premiums on the bonds of any deputy sheriff or any constable duly elected or appointed to serve in said county.

Board of Commissioners of Guilford County permitted to pay premiums on bonds of deputies sheriff and constables.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 142

## CHAPTER 66

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND THIRTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN IN ORDER THAT THE NOMINATION AND ELECTION OF MEMBERS OF THE BURKE COUNTY BOARD OF EDUCATION MAY BE AGAIN PLACED UNDER THE OPERATION OF THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE NOMINATION AND ELECTION OF COUNTY BOARDS OF EDUCATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and thirty of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, repealed.

Ch. 430, Public-Local Laws, 1937, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

## H. B. 173                      CHAPTER 67

AN ACT TO REPEAL SECTION NINE OF CHAPTER SIX HUNDRED AND TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE ISSUANCE OF BONDS OF RANDOLPH COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 9, Ch. 623,  
Public-Local  
Laws, 1927,  
repealed.

SECTION 1. Section nine of Chapter six hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and twenty-seven for North Carolina entitled, "An Act to Fund the Floating Indebtedness of Randolph County," is hereby repealed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

## H. B. 176                      CHAPTER 68

AN ACT TO AMEND CHAPTER FORTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE LAWS OF LANDLORDS AND TENANTS, SO THAT THE COUNTY OF HOKE SHALL BE INCLUDED THEREUNDER.

*The General Assembly of North Carolina do enact:*

Sec. 5, Ch. 40,  
Public-Local  
Laws, 1929,  
amended to apply  
to Hoke County.

SECTION 1. That Section five of Chapter forty of the Public-Local Laws of one thousand nine hundred and twenty-nine, as amended, be, and the same is hereby, further amended by adding after the words "apply to" in Section five thereof, the word "Hoke."

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 177

## CHAPTER 69

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND SIXTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, THE SAME BEING A PART OF THE LAWS GOVERNING LANDLORDS AND TENANTS, SO AS TO INCLUDE THE COUNTY OF HOKE THEREUNDER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand three hundred and sixty-six of the Consolidated Statutes of North Carolina, as amended, be, and the same is hereby, further amended by inserting after the words "the following counties," the word "Hoke."

C. S. 2366  
amended to  
apply to  
Hoke County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 185

## CHAPTER 70

AN ACT TO ALLOW THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY, IN ITS DISCRETION, TO REVALUE AND READJUST ALL REAL ESTATE AND PERSONAL PROPERTY VALUES DURING THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Onslow County, in its discretion, is hereby authorized and empowered to revalue and readjust all values on real estate and personal property located in said county during the year of one thousand nine hundred and forty-three.

Board of County  
Commissioners of  
Onslow County  
permitted to  
revalue real and  
personal property  
during 1943.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 188

## CHAPTER 71

## AN ACT TO APPOINT TRUSTEES OF THE TRYON-SALUDA ADMINISTRATIVE SCHOOL UNIT.

*The General Assembly of North Carolina do enact:*

Trustees of Tryon-Saluda City Administrative School Unit appointed.

SECTION 1. That K. A. Bowen, James Lankford and R. E. Brantley, of Tryon, North Carolina; Mae Irene Flentye, of Lynn, North Carolina, and H. G. Laughter, Ned Anderson and Vernon T. Egerton, of Saluda, North Carolina, be and they are hereby appointed Trustees of the Tryon-Saluda City Administrative School Unit for a term of two years, beginning April first, one thousand nine hundred and forty-three, and continuing until March thirty-first, one thousand nine hundred and forty-five, or until their successors are appointed and qualified. All vacancies in the membership of said board of trustees, by death, resignation, or otherwise, shall be filled by the action of the County Executive Committee of the political party of the member causing such vacancy, until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term of that body. All vacancies that are not filled by the County Executive Committee under the authority herein contained within thirty days from the occurrence of such vacancies shall be filled by appointment by the State Board of Education. The persons herein appointed trustees of said school unit must qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-three. A failure to qualify within that time shall constitute a vacancy. Those persons elected or appointed to fill a vacancy must qualify within thirty days after notification thereof. A failure to qualify within that time shall constitute a vacancy. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing trustees.

Provision for filling vacancies.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 204

## CHAPTER 72

AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY SO AS TO GRANT PERSONS LIVING WITHOUT THE CORPORATE LIMITS BUT WITHIN THE BOUNDARIES OF THE HICKORY CITY ADMINISTRATIVE SCHOOL UNIT THE RIGHT TO VOTE FOR THE ELECTION OF SCHOOL TRUSTEES.

WHEREAS, by Chapter sixty-eight of the Private Laws of North Carolina of one thousand nine hundred and thirteen, the Charter of the City of Hickory was amended and it was therein provided that the territory embraced in the City of Hickory should constitute a public school district; and

Preamble:

Territory embraced in City of Hickory made public school district.

WHEREAS, by Acts of the General Assembly of North Carolina amendatory to the foregoing, provision was made for the election of school trustees, one from each of the six wards of the city and one from the entire territory embraced within the corporate limits; and

Provision made for election of school trustees.

WHEREAS, the State School Commission has added additional territory to the Hickory Special Charter District, now called the Hickory City Administrative School Unit, and the Charter of the City of Hickory has not been amended so as specifically to permit the people living within the territory added to the original Hickory Special Charter District to vote in the elections of trustees for the said administrative unit; and

Additional territory added to Hickory City Administrative School Unit.

No provision for people in added territory to vote for school trustees.

WHEREAS, it is desirable to provide specifically adequate machinery for such persons to vote at elections of said school trustees: Now, therefore,

Such provision desirable.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Hickory City Administrative School Unit be, and it is hereby, divided into six wards, each of which shall elect, as hereinafter provided, one school trustee; and a seventh school trustee shall be elected, as hereinafter provided, by the voters of the entire unit.

Hickory City Administrative School Unit divided into six wards.

Election of school trustees.

SEC. 2. (a) The boundaries of School Ward Number one shall include Ward Number one of the City of Hickory and the old Longview and West Hickory School Districts.

Limits of School Ward No. 1.

C. P. Abernethy, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-seven, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-seven his successor shall be elected to serve for a term of five years.

Trustee of this district.

(b) The boundaries of School Ward Number two shall include Ward Number two of the City of Hickory and the territory

Limits of School Ward No. 2.

bounded on the East by Highway Number one hundred and twenty-seven, on the North by Catawba River, on the West by the Eastern boundary line of the old West Hickory School District, and on the South by the Northern corporate limits of the City of Hickory.

Trustee of  
this district.

A. S. Lutz, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-five, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-five his successor shall be elected to serve for a term of five years.

Limits of School  
Ward No. 3.

(c) The boundaries of School Ward Number three shall include Ward Number three of the City of Hickory and the territory bounded on the East by Falling Creek, on the North by the Catawba River, on the West by Highway Number one hundred and twenty-seven, and on the South by the Northern corporate limits of the City of Hickory.

Trustee of  
this district.

A. C. Henderson, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-four, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-four his successor shall be elected to serve for a term of five years.

Limits of School  
Ward No. 4.

(d) The boundaries of School Ward Number four shall be coterminous with the boundaries of Ward Number four of the City of Hickory.

Trustee of  
this district.

E. M. Suggs, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-seven, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-seven his successor shall be elected to serve for a term of five years.

Limits of School  
Ward No. 5.

(e) The boundaries of School Ward Number five shall include Ward Number five of the City of Hickory and the territory embraced in the old Barger School District and that part of the old Brookford School District which lies East of Highway Number one hundred and twenty-seven.

Trustee of  
this district.

R. G. Abernethy, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-seven, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-seven his successor shall be elected to serve for a term of five years.

Limits of School  
Ward No. 6.

(f) The boundaries of School Ward Number six shall include Ward Number six of the City of Hickory and the territory

embraced in that part of the old Brookford School District which lies West of Highway Number one hundred and twenty-seven.

O. L. Bowles, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-six, is now the school trustee representing this district, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-six his successor shall be elected to serve for a term of five years.

Trustee of  
this district.

SEC. 3. George E. Bisanar, whose term of office expires on the thirtieth day of June, one thousand nine hundred and forty-three, is now the school trustee elected by the voters at large, and at the time of the regular Hickory Municipal Election of one thousand nine hundred and forty-three his successor shall be elected by the qualified voters of the entire administrative unit to serve for a term of five years.

Trustee  
at large.

SEC. 4. The registrars and judges appointed to hold the regular Hickory Municipal Elections shall be ex officio the registrars and judges of the elections held for elections of school trustees and the elections of school trustees shall be held at the same time and at the same places as the regular Hickory Municipal Elections. However, there shall be separate registration books for the school trustee elections and the voters living within the school wards for four months and within the State of North Carolina for one year preceding the election shall be eligible to vote in their respective school wards. The powers and duties of the judges and registrars, and the way and manner of conducting the elections, shall be those provided for the regular Hickory Municipal Elections.

Provisions  
for election of  
school trustees.

SEC. 5. In the event the boundaries of the Hickory City Administrative Unit should hereafter be changed by the addition of other territory to, or the removal of present territory from, the unit, then and in such event or events the City Council of the City of Hickory, together with the then Board of Trustees of the Hickory City Administrative Unit, shall have power to change the boundaries of the school wards hereinbefore mentioned as they deem just.

Provisions  
for future  
changes of  
limits of said  
school wards.

SEC. 6. All laws and clauses of laws, General, Public-Local and Private, inconsistent herewith to the extent of such inconsistencies, are hereby repealed.

Conflicting  
laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

## H. B. 235

## CHAPTER 73

AN ACT TO AMEND CHAPTER FIFTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO AUTHORIZE THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO TURN INTO THE GENERAL FUND OF THE COUNTY ALL TAXES COLLECTED FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AND ALL PRIOR YEARS.

*The General Assembly of North Carolina do enact:*

Ch. 56, Public-Local Laws, 1939, amended to authorize County Commissioners of Wayne County to turn into county general fund the proceeds of taxes collected for 1935 and prior years.

SECTION 1. Chapter fifty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine, which authorizes the County Commissioners of Wayne County to turn into the general fund of the county the proceeds of all taxes collected for the year one thousand nine hundred and thirty and all prior years, is hereby amended by striking out the words "one thousand nine hundred thirty" which appear in Section one and inserting in lieu thereof the words "one thousand nine hundred and thirty-five," it being the intent and purpose of this Act to authorize the County Commissioners of Wayne County to turn into the general fund of Wayne County the proceeds of all taxes collected for the year one thousand nine hundred and thirty-five and all prior years.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

## H. B. 238

## CHAPTER 74

AN ACT TO AMEND CHAPTER EIGHTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE SERVICE OF GRAND JURORS IN FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 87, Public-Local Laws, 1935, amended as to service of grand jurors in Franklin County.

SECTION 1. That Chapter eighty-seven of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby amended by adding at the end of Section one the following proviso:

"Provided, however, that if for any reason the first scheduled fall and spring terms are not held, then in that event the said nine additional jurors may be chosen at the first fall and spring terms held in said county."

SEC. 2. That this Act be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 241

### CHAPTER 75

AN ACT TO PROVIDE FOR THE ELECTION OF A COUNTY SURVEYOR FOR ROBESON COUNTY QUADRENNIALLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Surveyor now holding said office in Robeson County shall serve in such capacity until the first Monday in December, one thousand nine hundred and forty-four.

Term of present county surveyor of Robeson County.

SEC. 2. At the general election in one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be elected for Robeson County by the qualified voters thereof a county surveyor, who shall serve for a term of four years from the first Monday in December after his election, or until his successor is elected and qualified.

County surveyor to be elected in 1944 and quadrennially thereafter.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

H. B. 266

### CHAPTER 76

AN ACT CREATING FIVE DISTRICTS FOR THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of the nomination of the members of the Board of Education of Moore County, the said county is hereby divided into five districts to be numbered and designated as follows:

Moore County divided into five districts for nomination of members of County Board of Education.

(a) District number one shall be composed of Carthage Township.

Limits of each district.

(b) District number two shall be composed of Ben Salem and Sheffield Townships.

(c) District number three shall be composed of Deep River and Ritters Township.

(d) District number four shall be composed of Greenwood and McNeills Townships.

(e) District number five shall be composed of Sandhills and Mineral Springs Townships.

One member of Board of Education to be nominated from each district by voters of entire county.

SEC. 2. That at the convention or primary for the nomination of county officers and members of the General Assembly to be held in the year one thousand nine hundred and forty-four, and biennially thereafter, there shall be nominated by each political party one member of the board of education from each of the five districts designated in Section one of this Act. The candidates from each respective district shall be voted on by the qualified voters of Moore County and the candidate from each respective district who shall receive the largest number of votes shall be declared to be the nominee of his party duly nominated as the candidate from said district for membership upon the County Board of Education of Moore County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 12th day of February, 1943.

S. B. 36

CHAPTER 77

AN ACT TO TRANSFER CERTAIN UNEXPENDED FUNDS TO THE GENERAL FUND IN THE COUNTY OF DUPLIN.

Preamble: Cash balance in Warsaw Special Road District Fund.

WHEREAS, there is a cash balance of over twelve hundred dollars (\$1200.00) in the Warsaw Special Road District Fund and all outstanding obligations of this fund and district have been paid in full; and

Cash balance expected in Island Creek Special Road District Fund.

WHEREAS, there will be a cash balance in the Island Creek Special Road District Fund after all outstanding obligations of this district shall have been paid in full on April first, one thousand nine hundred and forty-three: Now, therefore,

*The General Assembly of North Carolina do enact:*

Certain funds of Warsaw Special Road District Fund authorized to be transferred to general fund of Duplin County.

SECTION 1. The Board of Commissioners of Duplin County is hereby authorized and directed to transfer any balance in the Warsaw Special Road District Fund, or any fund that may hereafter accrue to that fund by reason of any future collections for the benefit of said fund, to the general fund of Duplin County.

SEC. 2. The Board of Commissioners of Duplin County is hereby authorized and directed, after April first, one thousand nine hundred and forty-three, to transfer any balance in the Island Creek Special Road District Fund, or any fund that may thereafter accrue to that fund by reason of any future collections for the benefit of said fund, to the general fund of Duplin County.

Certain funds of Island Creek Special Road District Fund authorized to be transferred to general fund.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

S. B. 49

CHAPTER 78

AN ACT TO AMEND SECTION SIX OF CHAPTER SIX HUNDRED AND TWENTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN TO EQUALIZE THE SALARIES OF PUBLIC OFFICIALS OF ROCKINGHAM COUNTY.

WHEREAS, the salaries of the Clerk of the Superior Court, the Auditor and the Register of Deeds of Rockingham County are in amounts in excess of the salary of the Sheriff of Rockingham County; and

Preamble: Salaries of certain officials of Rockingham County exceed salary of sheriff.

WHEREAS, the purpose of this Act is to equalize the salaries of the public officials of Rockingham County: Now, therefore,

Purpose to equalize salaries.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter six hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and thirty-seven is hereby amended by striking out that portion of said section beginning with the word "basic" in line three, down to and including the word "year" in line five, and inserting in lieu thereof the following: "of three thousand six hundred dollars (\$3,600.00) per year."

Sec. 6, Ch. 622, Public-Local Laws, 1937, amended.

SEC. 2. That this Act shall apply only to Rockingham County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## S. B. 63

## CHAPTER 79

AN ACT TO AMEND CHAPTER NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF SESSION ONE THOUSAND NINE HUNDRED AND FORTY-ONE AS SAME RELATES TO DUTIES OF THE CLERK OF SUPERIOR COURT OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 5, Ch. 99,  
Public-Local  
Laws, 1941,  
rewritten.

SECTION 1. By striking out all of Section five of Chapter ninety-nine of the Public-Local Laws of one thousand nine hundred and forty-one and inserting in lieu thereof, the following:

Copy of court  
calendar to be  
furnished cer-  
tain persons.

“SEC. 5. The Clerk of Superior Court of Rockingham County shall, immediately upon completion of the calendar, furnish a copy to the solicitor of the district and to each practicing attorney, justice of the peace, mayor, deputy sheriff and police officer in Rockingham County, and shall cause a copy of same to be posted at the courthouse door in said county.”

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. Said Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## S. B. 69

## CHAPTER 80

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATIVE TO INCREASING THE STANDARD OF THE PUBLIC SCHOOL SYSTEM OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 5, Ch. 28,  
Public-Local  
Laws, 1941,  
rewritten.

SECTION 1. That Section five of Chapter twenty-eight of the Public-Local Laws of one thousand nine hundred and forty-one be stricken out and the following inserted in lieu thereof:

Vacancies in  
school district  
boards to be  
filled by Board  
of Education of  
Graham County.

“SEC. 5. If any vacancy occurs in the membership of either of said boards by reason of death, resignation, or otherwise, the same shall be filled by the Board of Education of Graham County.”

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

S. B. 87

## CHAPTER 81

AN ACT TO AMEND THE MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, WITH REFERENCE TO THE TAXATION OF ANY NEW MOTOR VEHICLES THE SALE OF WHICH IS FROZEN IN THE HANDS OF THE DEALERS OWNING THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, known as the Machinery Act, be, and the same hereby is, amended by adding a new Section to Article IX, to be known as Section nine hundred and nine, which shall read as follows:

Ch. 310, Public Laws, 1939, being the Machinery Act, amended.

"SEC. 909. While the existing state of war continues between the United States and any foreign nation, any dealer in motor vehicles who has in stock on January first a new model motor vehicle, the sale of which is subject to priorities, rationing and restrictions by Federal Government regulations on account of the war, shall be classified as war restricted motor vehicles and the governing bodies of the tax assessing units of the several counties are hereby authorized in their discretion to assess same for taxation at a reduced value."

Certain new motor vehicles in dealers' stock may be assessed by county tax assessing units at reduced value during the war.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting law repealed.

SEC. 3. That this Act shall be applicable to one thousand nine hundred and forty-three taxes and shall be in full force and effect from and after its ratification.

Act applicable to 1943 taxes.

Ratified this the 15th day of February, 1943.

S. B. 96

## CHAPTER 82

AN ACT TO ABOLISH THE OFFICE OF TREASURER OF PITT COUNTY AND REPEALING CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of Treasurer of Pitt County is hereby abolished, and Chapter one hundred and seventy-nine of the Public-Local Laws of one thousand nine hundred and thirty-seven, relating thereto, be, and the same is hereby, repealed.

Office of Treasurer of Pitt County abolished.

Ch. 179, Public-Local Laws, 1937, repealed.

Board of Commissioners of Pitt County to select official depository for county funds.

Funds to be secured in accordance with Sec. 32, Ch. 60, Public Laws, 1931, as amended.

Officers and employees of county required to deposit county funds in such depository.

Reports of deposits to County Accountant.

Unlawful to deposit county funds except in designated depository.

Conflicting laws repealed.

SEC. 2. The Board of Commissioners of Pitt County is hereby authorized, empowered and directed to select and designate annually, by recorded resolution, some bank, banks, or trust companies in Pitt County as an official depository or depositories of the funds of the county, which funds shall be secured in accordance with Section thirty-two of Chapter sixty of the Public Laws of one thousand nine hundred and thirty-one, as amended.

SEC. 3. Every public officer and employee of Pitt County whose duty it is to collect or receive any funds or money belonging to said county or subdivision thereof shall deposit the same in the bank, banks or trust companies designated by the board of county commissioners, in the name of the county and of the fund to which it is applied, and shall report the same daily to the county accountant by means of duplicate deposit ticket signed by the depository, and it shall be unlawful for any public moneys belonging to said county to be deposited by any officer, employee or department, in any place, bank or trust company other than those selected and designated as an official depository.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 14

## CHAPTER 83

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING AN ACT TO REQUIRE THE SHERIFF OF CURRITUCK COUNTY TO APPOINT A DEPUTY SHERIFF FOR MOYOCK TOWNSHIP IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and thirty-nine, the same being an Act to require the Sheriff of Currituck County to appoint a Deputy Sheriff for Moyock Township in said county, is hereby repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

Ch. 101, Public-Local Laws, 1939, repealed.

Conflicting laws repealed.

H. B. 38

CHAPTER 84

AN ACT TO REPEAL SECTION FOUR THOUSAND FOUR HUNDRED AND THIRTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO THE SEIZURE AND DISPOSITION OF PROPERTY EXHIBITED FOR THE PURPOSE OF ALLURING PERSONS TO BET ON ANY GAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand four hundred and thirty-six of Volume one of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen be, and the same is, hereby amended, so that the said section shall hereafter read as follows:

C. S. 4436,  
rewritten.

“All moneys or other property or thing of value exhibited for the purpose of alluring persons to bet on any game, or used in the conduct of any such game, shall be liable to be seized by any justice of the peace or other court of competent jurisdiction or by any person acting under his or its warrant. Moneys so seized shall be turned over to and paid to the treasurer of the county wherein they are seized, and placed in the general fund of the county. Any property seized which is used for and is suitable only for gambling shall be destroyed, and all other property so seized shall be sold in the manner provided for the sale of personal property by execution, and the proceeds derived from said sale shall be turned over and paid to the treasurer of the county wherein the property was seized, to be placed by said treasurer in the general fund of the county.”

Money and property used to allure persons to bet on games liable to seizure.

Disposition of moneys and property seized.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 71

CHAPTER 85

AN ACT TO EXTEND THE EMERGENCY POWER GRANTED THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION BY CHAPTER FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE FOR AN ADDITIONAL TWO YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter four of the Public Laws of one thousand nine hundred and forty-one be and the same is hereby amended by striking out the word “two”

Sec. 3, Ch. 4, Public Laws, 1941, amended to extend life of said Act.

and insert in lieu thereof the word "four" so as to extend the life of the said Act for an additional two years.

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 89

## CHAPTER 86

### AN ACT TO FIX THE SALARY OF THE MAYOR OF THE TOWN OF WINDSOR.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 53, Public-Local Laws, 1941, amended to fix salary of Mayor of Town of Windsor.

SECTION 1. That Section one of Chapter fifty-three of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out in line four of Section one the following: "Three hundred dollars (\$300.00) per annum," and inserting in lieu thereof the following: "Twelve hundred dollars (\$1200.00) per annum."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 110

## CHAPTER 87

### AN ACT TO AUTHORIZE THE POST-MORTEM EXAMINATION OF CERTAIN FEEBLE-MINDED AND INSANE PERSONS.

Preamble: Handicap in treatment of disease.

WHEREAS, the medical profession is handicapped in the treatment of disease by reason of the paucity of knowledge as to certain disease conditions; and

Medical knowledge increased by post-mortem studies.

WHEREAS, medical knowledge as to the causes, conditions and treatment of disease would be increased by systematic post-mortem studies: Now, therefore,

*The General Assembly of North Carolina do enact:*

Post-mortem examination of inmates of certain public institutions authorized.

SECTION 1. Upon the death of any inmate of any institution now maintained, or in the future established, by the State, or any city, county or other political subdivision of the State, for the care of the sick, the feeble-minded or insane, the superintendent, or other administrative head of such institution in which such death occurs, is empowered to authorize a post-mortem examination of the deceased person. Such examina-

tion shall be of such scope and nature as may be thought necessary or desirable to promote knowledge of the human organism and the disorders to which it is subject.

Scope of examinations.

SEC. 2. The post-mortem examinations and studies authorized may be made in the laboratories of incorporate medical schools of colleges and universities on such conditions as may be agreed upon by the superintendent, or other administrative head of such institution, authorizing the examination and the head of the medical school undertaking to make the examination.

Post mortem examinations may be made in certain medical schools.

SEC. 3. No superintendent, or other administrative head of such institution, shall authorize any post-mortem examination, as described in this Act, without first securing the written consent of the deceased person's husband or wife, or one of the next of kin, or nearest known relative or other person charged by law with the duty of burial, in the order named and as known. A copy of the written consent shall be filed in the office of the superintendent, or other administrative head of the institution wherein said inmate dies.

Written consent for such examinations required from certain persons.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 112

CHAPTER 88

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF GRAHAM COUNTY TO SELL COUNTY PROPERTY ONLY AT PUBLIC AUCTION AND AFTER GIVING NOTICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That no real property belonging to the County of Graham shall be sold until a notice of sale has been posted at the court house door in the county for thirty days immediately preceding the sale, and also published once a week for four successive weeks in some newspaper published in the county: Provided, if no newspaper is published in the county, the notice of sale shall be posted at the court house door and three other public places in the county for thirty days immediately preceding the sale. All such real property shall be sold only at public auction.

Sales of real property belonging to Graham County shall be advertised prior to sale.

A report of such sale shall be filed in the office of the clerk of the Superior Court within five days from the date thereof: Provided, the failure to file such report shall not

Report of sales.

Sales to be reopened if bid increased within 10 days.

invalidate said sale. If in ten days from the date of sale the sale price is increased ten per cent, where the price does not exceed five hundred dollars (\$500.00), and five per cent where the price exceeds five hundred dollars (\$500.00), and the same is paid to the clerk of the superior court, the commissioners shall reopen the sale of said property and advertise the same in the same manner as in the first instance, except that only fifteen days notice shall be required for the resale. Resales may be had as often as the bid may be raised in compliance with this section.

Application of Act.

SEC. 2. That this Act shall apply only to Graham County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 114

## CHAPTER 89

AN ACT TO DECLARE VALID AND LEGAL THE CREATION, ESTABLISHMENT AND ORGANIZATION OF HOUSING AUTHORITIES, AND ALL BONDS, NOTES, AGREEMENTS AND UNDERTAKINGS OF SUCH HOUSING AUTHORITIES, AND ALL PROCEEDINGS, ACTS AND THINGS HERETOFORE UNDERTAKEN OR DONE WITH REFERENCE THERETO.

*The General Assembly of North Carolina do enact:*

Housing authorities created under Housing Authorities Law validated.

SECTION 1. That the creation, establishment and organization of housing authorities under the provisions of the Housing Authorities Law (Chapter four hundred and fifty-six, Public Laws of one thousand nine hundred and thirty-five, as amended), together with all proceedings, acts and things heretofore undertaken or done with reference thereto, are hereby validated and declared legal in all respects.

Certain designated acts of housing authorities validated.

SEC. 2. That all contracts, agreements and undertakings of such housing authorities heretofore entered into relating to financing, or aiding in the development or operation of any housing projects, including (without limiting the generality of the foregoing) loan and annual contributions contracts, agency contracts and leases, agreements with municipalities or other public bodies (including those which are pledged or authorized to be pledged for the protection of the holders of any notes or bonds issued by such housing authorities or which are otherwise made a part of the contract with such holders of notes or bonds) relating to coöperation in aid of housing projects, pay-

ments to public bodies in the State, furnishing of municipal services and facilities and the elimination of unsafe and unsanitary dwellings, and contracts for the construction of housing projects, together with all proceedings, acts and things heretofore undertaken or done with reference thereto, are hereby validated and declared legal in all respects.

SEC. 3. That all proceedings, acts and things heretofore undertaken or done in or for the authorization, issuance, execution and delivery of notes and bonds by housing authorities for the purpose of financing or aiding in the development or construction of a housing project or projects, and all notes and bonds heretofore issued by housing authorities are hereby validated and declared legal in all respects.

Acts done by housing authorities in financing projects validated.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 115

## CHAPTER 90

AN ACT TO AMEND CHAPTER SIXTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE TO EXTEND THE TIME IN WHICH THE DEVELOPMENT OF PROJECTS MAY BE INITIATED THEREUNDER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter sixty-three, Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by striking out the words "December thirty-first, one thousand nine hundred and forty-three" appearing at the end of the first paragraph of said section, and inserting in lieu thereof the words "the termination of the present war," so that the first paragraph of said section in its entirety shall read as follows:

Sec. 2, Ch. 63, Public Laws, 1941, amended, as to time in which housing authorities may initiate certain projects.

"SEC. 2. Any housing authority may undertake the development and administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in National Defense activities whom the housing authority determines would not otherwise be able to secure safe and sanitary dwellings within the vicinity thereof, but no housing authority shall initiate the development of any such project pursuant to this Act after the termination of the present war."

SEC. 2. That Subsection (f) of Section eight of Chapter sixty-three, Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by striking out the words "December thirty-first, one thousand nine hundred

Sec. 8, Ch. 63, Public Laws, 1941, amended.

and forty-three" appearing at the end of said Subsection (f) and inserting in lieu thereof the words "the termination of the present war" so that said Subsection (f) in its entirety shall read as follows:

"(f) The development of a project shall be deemed to be 'Initiated,' within the meaning of this Act, if a housing authority has issued any bonds, notes or other obligations with respect to financing the development of such project of the authority, or has contracted with the Federal Government with respect to the exercise of powers hereunder in the development of such project of the Federal Government for which an allocation of funds has been made prior to the termination of the present war."

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 120

CHAPTER 91

AN ACT TO REGULATE THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF HEALTH IN CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation  
of members of  
Board of Health  
of Cumberland  
County.

SECTION 1. Members of the County Board of Health in Cumberland County shall receive as compensation for their services a per diem of five dollars (\$5.00) for each day while in the actual performance of their official duties as members of the board.

Application  
of Act.

SEC. 2. This Act shall apply only to Cumberland County.

Conflicting  
laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 128

## CHAPTER 92

AN ACT TO ABOLISH THE OFFICE OF TAX COLLECTOR  
IN GUILFORD COUNTY, AND TO CONSOLIDATE THE  
DUTIES OF TAX COLLECTOR AND TAX SUPERVISOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of Tax Collector of Guilford County, created by authority of Chapter two hundred and eight of the Public-Local Laws of one thousand nine hundred and thirty-one is hereby abolished.

Office of Tax  
Collector of  
Guilford County  
abolished.

SEC. 2. That the Tax Supervisor of Guilford County shall be vested with the same power and authority and subject to the same penalties and conditions as are now given by the State to sheriffs, or other tax collectors in the collection of taxes, licenses, fees, penalties and other revenues; and the Board of Commissioners for the County of Guilford is hereby authorized and empowered to confer upon said tax supervisor, the duties of collecting all delinquent taxes, fees and penalties and other revenues which the sheriffs or other tax collectors of North Carolina may now have the power and authority to collect.

Tax Supervisor  
of Guilford  
County vested  
with powers of  
tax collectors.

SEC. 3. The Board of Commissioners for the County of Guilford is authorized and empowered, in its discretion, to appoint such assistants or clerks as shall be necessary to carry out the purposes of this Act, under such penalties and conditions as said board may deem necessary.

Board of Com-  
missioners of  
Guilford County  
authorized to  
appoint certain  
assistants and  
clerks.

SEC. 4. That the Board of County Commissioners of Guilford County shall have the power and authority to fix the salary of said tax supervisor and the amount of bond which shall be required of him.

Board authorized  
to fix salary and  
bond of Tax  
Supervisor.

SEC. 5. That when this Act shall go into effect, and the tax supervisor shall give the bond required of him, the tax collector shall make final settlement with the County of Guilford and turn over to said tax supervisor all moneys belonging to Guilford County, and all accounts, records and other property of said Guilford County in his hands.

Tax Supervisor  
to give bond.

Tax Collector  
to make final  
settlement.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective  
date.

Ratified this the 15th day of February, 1943.

## H. B. 136

## CHAPTER 93

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE TRANSFER OF THE DUTIES OF TAX COLLECTOR TO THE COUNTY ACCOUNTANT OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 415,  
Public-Local  
Laws, 1941,  
re-written.

SECTION 1. That Section three of Chapter four hundred and fifteen of the Public-Local Laws of one thousand nine hundred and forty-one be rewritten to read as follows:

“SEC. 3. That upon the transfer of the duties of tax collector to the County Accountant of Swain County, the said county accountant shall receive for his services as county accountant and tax collector the sum of twenty-four hundred dollars (\$2400.00) per year, payable monthly. The said county accountant shall receive no additional compensation for any services, of any kind, rendered Swain County.”

Salary of  
County Account-  
of Swain County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 137

## CHAPTER 94

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE PER DIEM COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 283,  
Public-Local  
Laws, 1941,  
amended.

SECTION 1. That Section one of Chapter two hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and forty-one be amended by striking out that portion thereof which reads as follows:

“SEC. 3. That the Chairman of the Board of County Commissioners of Swain County shall be paid for his services as such Chairman the sum of five (\$5.00) dollars per day for not more than five days in any one month, when actually engaged in the performance of his duties as such Chairman.” and inserting in lieu thereof the following:

“SEC. 3. The Chairman of the Board of County Commissioners of Swain County shall be paid for his services as such Chairman the sum of seven dollars (\$7.00) per day for not more than seven days in any one month when actually engaged in the performance of his duties as such Chairman.”

Compensation of chairman of Board of County Commissioners of Swain County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first Monday in March, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 15th day of February, 1943.

H. B. 151

## CHAPTER 95

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF THE TOWN OF TRYON TO LOCATE AND DETERMINE THE STREET LINE ALONG TRADE STREET AND THE STREET LEADING TO GODSHAW HILL, IN THE TOWN OF TRYON, IN FRONT OF THE PROPERTY OF W. B. HODGES, KNOWN AS THE GULF FILLING STATION PROPERTY, AND TO QUITCLAIM TITLE TO ANY PART OF SAID PROPERTY BEYOND THE STREET LINE AS SO DETERMINED.

WHEREAS, a question has been raised regarding the location of the street line in the Town of Tryon along Trade Street and the street leading to Godshaw Hill, in front of the property owned by W. B. Hodges, known as the Gulf filling station property, and it is desirable that the said street line be definitely located and fixed, and that the Commissioners of the Town of Tryon be authorized and empowered to direct the proper town officials to execute a deed to convey any part of said filling station property not included in the street after the line of the same shall have been established: Now, therefore,

Preamble: Uncertainty as to certain street lines in Town of Tryon.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the Town of Tryon be and they are hereby authorized and empowered to locate and determine the street line and the property line of the certain property in the Town of Tryon owned by W. B. Hodges, known as the Gulf filling station property, which fronts on Trade Street, and on the street leading to Godshaw Hill.

Commissioners of Town of Tryon authorized to locate certain street line.

SEC. 2. When the said street line and property line shall be so determined, the said Town of Tryon is authorized and empowered to execute and deliver such deeds or instruments in writing as are necessary to eliminate all question of the title to the said Gulf filling station property in so far as the right of the Town of Tryon is concerned, and the said Town

Town of Tryon authorized to quitclaim its interest in property beyond street line so established.

of Tryon is hereby expressly authorized and empowered to convey and quitclaim all interest which the Town of Tryon may or could have in the property beyond the street line so established, to the end that all cloud on said title arising out of a contention that any part of said property is embraced within a street may be eliminated.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 160

## CHAPTER 96

AN ACT TO AMEND SECTION ONE OF CHAPTER FOUR HUNDRED AND FORTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO INVESTMENT IN REGISTERED SECURITIES AND DEPOSIT OF SAME WITH THE CLERK OF SUPERIOR COURT, SO THAT THE BOND OF THE GUARDIAN IS REDUCED IN PROPORTION TO THE TOTAL AMOUNT OF THE BOND AS THE FUNDS EXPENDED ARE TO THE TOTAL AMOUNT OF THE STATE.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 449, Public Laws, 1935, amended as to reduction in guardian's bond in certain instances.

SECTION 1. That the third paragraph of Section one of Chapter four hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-five, be amended by striking out in the third paragraph the words "in an amount equal to twice the amount of the funds actually invested in said securities" and by inserting in lieu thereof the following: "in an amount equal in proportion to the total amount of the bond as the funds expended for the securities are to the total amount of the estate covered by such bond."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 163

## CHAPTER 97

AN ACT TO REPEAL SECTION FIVE THOUSAND AND TWENTY-SEVEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO INVESTMENT OF TRUST FUNDS FOR THE CARE OF CEMETERIES AND TO EMPOWER THE CLERK OF THE SUPERIOR COURT TO INVEST SUCH FUNDS; AND TO AMEND SECTION FIVE THOUSAND AND TWENTY-EIGHT SO AS TO MAKE THE OFFICIAL BOND OF THE CLERK LIABLE FOR SUCH FUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section five thousand and twenty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby repealed, and the following substituted in lieu thereof:

C. S. 5027,  
relating to the  
investment of  
trust funds for  
the care of ceme-  
teries, rewritten.

“SECTION 5027. *Investment of Funds.* Such money shall be invested in the same manner as is provided by law for the investment of other trust funds by the clerk of the Superior Court.”

SEC. 2. Section five thousand and twenty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be, and it is hereby, amended by striking out the first sentence thereof, which reads as follows: “The clerk of the superior court shall give bond in some surety company, to be approved by the county commissioners, in a sufficient amount to cover such sums as may be held by him, the premium on such bond to be paid out of the income on such money,” and inserting in lieu thereof the following: “The official bond of the clerk of the Superior Court shall be liable for all such sums as shall be paid over to him on account of the provisions of this article.”

C. S. 5028,  
amended to make  
official bond of  
Clerk of Superior  
Court liable for  
certain funds.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 165

## CHAPTER 98

## AN ACT TO ALLOW THE DEPUTY SHERIFFS AND CONSTABLES OF DAVIE COUNTY A FEE FOR THE CAPTURE OF ILLEGALLY POSSESSED OR TRANSPORTED TAXPAID LIQUOR.

*The General Assembly of North Carolina do enact:*

Fees of Deputies Sheriff and Constables of Davie County for capture of illegally possessed or transported tax-paid liquor.

SECTION 1. That any Deputy Sheriff or Constable of Davie County who shall capture any illegally possessed or illegally transported taxpaid liquor which is transported and sold, shall receive the following fees:

If the amount realized from the sale of such liquor is more than twenty-five dollars (\$25.00), but not more than one hundred dollars (\$100.00): five dollars (\$5.00);

If the amount realized from the sale of such liquor is more than one hundred dollars (\$100.00), but not more than two hundred dollars (\$200.00): ten dollars (\$10.00);

If the amount realized from the sale of such liquor is more than two hundred dollars (\$200.00), but not more than three hundred dollars (\$300.00): fifteen dollars (\$15.00);

If the amount realized from the sale of such liquor is more than three hundred dollars (\$300.00), but not more than four hundred dollars (\$400.00): twenty dollars (\$20.00);

If the amount realized from such sale is more than four hundred dollars (\$400.00): twenty-five dollars (\$25.00).

Provision for division of fees.

SEC. 2. That if more than one deputy sheriff or one constable participates in the capture of any such illegally possessed or illegally transported taxpaid liquor, the fee allowed in Section one of this Act shall be divided proportionately among all of those who so participate.

Application of Act.

SEC. 3. That this Act shall apply only to Davie County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 169

## CHAPTER 99

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND THIRTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE ELECTION OF COUNTY COMMISSIONERS IN HYDE COUNTY, AND TO REQUIRE SUCH COMMISSIONERS IN HYDE COUNTY TO BE ELECTED PURSUANT TO THE GENERAL LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter two hundred and thirty-seven of the Public-Local Laws of one thousand nine hundred and thirty-five, relating to the nomination and election of county commissioners in Hyde County, is hereby repealed. From and after the ratification of this Act the Board of County Commissioners of Hyde County shall be nominated and elected as provided in the general law of the State of North Carolina.

Ch. 237, Public-Local Laws, 1935, repealed.

Election of Board of County Commissioners of Hyde County placed under general law.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 174

## CHAPTER 100

AN ACT TO AMEND SECTIONS SIX THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE THROUGH SIX THOUSAND SEVEN HUNDRED AND NINETY OF ARTICLE XIII OF THE CONSOLIDATED STATUTES, AS AMENDED, REGULATING THE PROCURING AND DISTRIBUTION OF DEAD BODIES FOR THE PROMOTION OF MEDICAL SCIENCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Sections six thousand seven hundred and eighty-five through six thousand seven hundred and ninety of Article XIII of the Consolidated Statutes, as amended, are hereby amended by rewriting said sections to read as follows:

C. S. 6785 through C. S. 6790, rewritten.

"6785. The North Carolina Board of Anatomy shall consist of three members, one each from the University of North Carolina School of Medicine, the Duke University School of Medicine, and the Bowman Gray School of Medicine of Wake Forest College, appointed by the deans of the respective medical schools. This board shall be charged with the distribution of dead human bodies for the purpose of promoting the study of

N. C. Board of Anatomy.

Powers and duties of board.

anatomy in this State, and shall have power to make proper rules for its government and the discharge of its functions under this Article.

Notification to boards as to certain dead bodies.

Provisions as to disposition of certain dead bodies.

Bodies of prisoners.

Bodies of inmates of certain State institutions.

Autopsies on certain dead bodies unlawful without consent of board.

“6786. All officers, agents or servants of the State of North Carolina, or of any county or town in said State, and all undertakers doing business within the State, having charge or control of a dead body required to be buried at public expense, or at the expense of any institution supported by State, county or town funds, shall be and hereby are required immediately to notify, and, upon the request of said board or its authorized agent or agents, without fee or reward, deliver, at the end of a period not to exceed thirty-six hours after death, such body into the custody of the board, and permit the board of its agent or agents to take and remove all such bodies or otherwise dispose of them: Provided, that such body be not claimed within thirty-six hours after death to be disposed of without expense to the State, county or town, by any relative within the second degree of consanguinity, or by the husband or wife of such deceased person: Provided, further, that the thirty-six hour limit may be prolonged in cases within the jurisdiction of the coroner where retention for a longer time may be necessary: Provided, further, that the bodies of all such white prisoners dying while in Central Prison or road camps of Wake County, whether death results from natural causes or otherwise, shall be equally distributed among the white funeral homes in Raleigh, and the bodies of all such negro prisoners dying under similar conditions shall be equally distributed among the negro funeral homes in Raleigh; but only such funeral homes can qualify hereunder as at all times maintain a regular licensed embalmer: Provided, further, that nothing herein shall require the delivery of bodies of such prisoners to funeral directors of Wake County where the same are claimed by relatives or friends.

“Whenever the dead body is that of an inmate of any state hospital, the State School for the Deaf, the State School for the Deaf, Dumb and Blind, or of any traveler or stranger, it may be embalmed and delivered to the North Carolina Board of Anatomy, but it shall be surrendered to the husband or wife of the deceased person or any other person within the second degree of consanguinity upon demand at any time within ten days after death upon the payment to said board of the actual cost to it of embalming and preserving the body.

“6787. It is hereby declared unlawful to hold an autopsy on any dead human body subject to the provisions of this Article without first having obtained the consent, in writing, of the chairman of the board or of his accredited agent: Provided, that nothing in this Article shall limit the coroner in the fulfillment of his duties: Provided, further, that nothing in Sections six thousand seven hundred and eighty-five through six thousand seven hundred and ninety, inclusive, shall pre-

vent a person from making testamentary disposition of his or her body after death.

“6788. The bodies obtained under this Article shall be distributed, with due precautions to shield them from the public view, among the several medical schools in a proportion to be agreed upon by a majority of the members of the North Carolina Board of Anatomy, such bodies to be used within the State for the advancement of science.

Bodies to be distributed to medical schools.

“6789. All expenses for the delivery, distribution and embalming of the dead bodies obtained under this Article upon the request of the North Carolina Board of Anatomy, under such rules and regulations as the board may provide shall be borne by the medical school receiving same, and in no case shall the State or any county or town be liable therefor.

Certain expenses to be paid by medical schools receiving bodies.

“6790. Any person failing or refusing to perform any duty imposed by this Article, or violating any of its provisions shall be guilty of a misdemeanor, punishable by a fine and/or imprisonment in the discretion of the court.”

Violation made misdemeanor.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 184                      CHAPTER 101  
 AN ACT TO FIX THE SALARIES OF THE JUDGE,  
 SOLICITOR, AND CLERK OF THE RECORDER'S COURT  
 OF CHOWAN COUNTY, AND TO FIX CERTAIN COSTS  
 OF THE SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. The salaries of the Judge and the Solicitor of the Recorder's Court of Chowan County, from and after the first day of March, one thousand nine hundred and forty-three, shall be not less than fifty dollars (\$50.00) per month, nor more than one hundred dollars (\$100.00) per month, in the discretion of the Board of County Commissioners of Chowan County.

Salaries of Judge and Solicitor of Recorder's Court of Chowan County.

SEC. 2. The salary of the Clerk of the Recorder's Court of Chowan County, from and after the first day of March, one thousand nine hundred and forty-three, shall be not less than twenty-five dollars (\$25.00) per month and not more than fifty dollars (\$50.00) per month, in the discretion of the Board of County Commissioners of Chowan County.

Salary of Clerk of Recorder's Court of Chowan County.

Fees of Judge  
and Solicitor  
of Recorder's  
Court of  
Chowan County.

SEC. 3. The fees of the Judge and the Solicitor of the Recorder's Court of Chowan County shall be as fixed by the Board of County Commissioners of Chowan County, to be taxed against each defendant convicted in said court as part of the costs: Provided, however, that said fees to be taxed as costs shall be not less than one dollar (\$1.00) for the judge and one dollar (\$1.00) for the solicitor nor more than five dollars (\$5.00) for the judge and five dollars (\$5.00) for the solicitor.

Application  
of Act.

SEC. 4. This Act shall apply to Chowan County only.

Conflicting  
laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 187

## CHAPTER 102

### AN ACT TO FIX THE COMPENSATION OF THE CHIEF DEPUTY SHERIFF OF YANCEY COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of Chief  
Deputy Sheriff  
of Yancey County.

SECTION 1. That from and after the first day of January, one thousand nine hundred and forty-three, the Chief Deputy Sheriff of Yancey County shall receive a salary of fifty dollars (\$50.00) a month, to be paid from the general fund of the county. This salary shall be in addition to the compensation received by said Chief Deputy Sheriff as Jailer of Yancey County.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 190

## CHAPTER 103

### AN ACT TO AMEND SECTION ONE THOUSAND TWO HUNDRED AND NINETY-THREE OF VOLUME ONE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATIVE TO THE NUMBER OF COMMISSIONERS OF LEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand two hundred and ninety-three of Volume one, Consolidated Statutes of one thou-

C. S. 1293  
amended to  
apply to Lee  
County.

sand nine hundred and nineteen be amended in line five by adding after the word "Jones" and before the word "Lenoir" the word "Lee," thus adding Lee County to said section.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 201

### CHAPTER 104

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE REGULATION OF THE SALE OF SECURITIES WITHIN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and forty-nine of the Public Laws of one thousand nine hundred and twenty-seven, Section one thereof, be and the same is hereby amended by striking out the words "Capital Issues Law" in line two of said Section one and inserting in lieu thereof the words, to be quoted, "Securities Law."

Ch. 149, Public Laws, 1927, amended.

Sec. 1, amended.

SEC. 2. That Subsection (c) of Section two of said chapter be and the same is hereby amended by inserting after the word "debenture" in line two, the words "whiskey warehouse receipt."

Sec. 2, amended to include whiskey warehouse receipts.

SEC. 3. That Subsection (c) of Section two of said chapter be and the same is hereby amended by inserting after the words "profit-sharing agreement" in lines four and five and before the word "certificate" in line five, the following, "any instrument representing any interest or right in or under any oil, gas or mining lease, fee or title, or rights or interests in land from which petroleum or minerals are, or are intended to be produced."

Sec. 2 amended to include instruments representing interests in certain oil, gas or mining leases or lands.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 203

## CHAPTER 105

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY OF CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED BY CHAPTER FIFTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, SO AS TO ADD PENNY SELF-SERVICE MACHINES, CONTRIBUTING TO THE VISUALLY HANDICAPPED, TO THOSE EXEMPT FROM STATE-WIDE LICENSE.

*The General Assembly of North Carolina do enact:*

Sec. 130, Public Laws, 1939, being the Revenue Act of 1939, as amended by Ch. 50, Public Laws, 1941, further amended.

SECTION 1. Subsection two of Section one hundred and thirty of the Public Laws of one thousand nine hundred and thirty-nine, the same being the Revenue Act of one thousand nine hundred and thirty-nine, as amended by Chapter fifty of the Public Laws of one thousand nine hundred and forty-one, be, and the same hereby is, further amended by changing the period at the end of the proviso thereof to a comma, and adding the following: "nor to penny self-service machines contributing twenty per cent (20%) of their gross revenue to work for the visually handicapped."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 205

## CHAPTER 106

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF NEBO IN McDOWELL COUNTY, NORTH CAROLINA, AND TO PROVIDE MACHINERY FOR THE LIQUIDATION AND DISPOSITION OF THE ASSETS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

Ch. 132, Private Laws, 1909, and acts amendatory thereto, repealed.

SECTION 1. That Chapter one hundred and thirty-two of the Private Laws of one thousand nine hundred and nine, and all Acts amendatory thereto, be, and the same are, hereby repealed.

Effective date.

SEC. 2. That this Act shall not be in force and effect until July first, one thousand nine hundred and forty-three, after which date the corporate existence of the Town of Nebo shall cease and terminate; provided, however, that no taxes shall be

Corporate existence of Town of Nebo to terminate.

listed, levied or collected for the year one thousand nine hundred and forty-three, and that no municipal elections shall be held for said town for the year one thousand nine hundred and forty-three.

Certain municipal functions of Town of Nebo dispensed with in 1943.

SEC. 3. That the board of aldermen, mayor and other officers shall remain in office until July first, one thousand nine hundred and forty-three, with full power and authority to carry on their duties as provided in the Charter of said town; provided, however, the Town of Nebo shall not have the authority to issue any bonds, notes or other evidences of indebtedness.

Board of Aldermen and Mayor to remain in office until July 1, 1943.

Issuance of bonds, etc., prohibited.

SEC. 4. That beginning July first, one thousand nine hundred and forty-three, the Mayor and Board of Aldermen of the Town of Nebo shall be and become trustees for the purpose of winding up the business of the town and it shall be their duty to collect all taxes due the Town of Nebo as expeditiously as possible and said trustees shall be vested with the same power and authority for levy and sale of property, both real and personal, for the collection of taxes as is now vested in the Town of Nebo under its Charter and other Acts of the General Assembly.

Mayor and Board of Aldermen to become trustees to wind up business of town, collect taxes, etc.

SEC. 5. That said trustees shall remain in office for a period of one year from and after July first, one thousand nine hundred and forty-three, and shall receive the same compensation they are now receiving and shall have the authority to employ and pay a tax collector the same commission or salary as now paid to such tax collector during their term as trustees.

Trustees to remain in office for one year from July 1, 1943.

Compensation of trustees.

SEC. 6. That beginning July first, one thousand nine hundred and forty-three, all funds on hand, all taxes and other moneys collected by said trustees shall, after the payment of any valid indebtedness of the Town of Nebo, be and become the property of the Nebo Public School, and said trustees, after deducting the costs and expenses incurred, and the payment of any valid indebtedness of said Town of Nebo, shall make a monthly report to the Board of Education of McDowell County of all funds collected and expenses incurred and debts paid and pay the funds on hand to the Board of Education of McDowell County, which funds shall be held by said board of education for the use and benefit of the Nebo Public School, and shall be expended for the benefit of said school by the board of education with the consent and approval of the local school committee for Nebo Public School.

All moneys, after payment of debts of town, to become property of Nebo Public School.

Trustees to pay funds on hand to Board Education of McDowell County for use of Nebo Public School.

SEC. 7. That during the month of June, one thousand nine hundred and forty-four, the said trustees shall transfer and assign to the Board of Education of McDowell County all tax sale certificates and uncollected taxes and said board shall have full power and authority to collect said taxes in the manner and

Trustees to assign tax sale certificates and uncollected taxes to Board of Education in June 1944.

Board of Education to have power to collect taxes.

form now provided by law for collection of taxes due and owing the Town of Nebo, and any moneys collected shall be held for the use and benefit of the Nebo Public School, as hereinbefore provided.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 9. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Ratified this the 15th day of February, 1943.

## H. B. 206

## CHAPTER 107

AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO ENROLL IN A BOOK, TO BE PROVIDED FOR THAT PURPOSE, THE CONSTITUTION OF NORTH CAROLINA OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ALL SUBSEQUENT AMENDMENTS THERE-TO.

*The General Assembly of North Carolina do enact:*

Secretary of State authorized to enroll in a book Constitution of 1868 and amendments thereto.

SECTION 1. That the Secretary of State is hereby authorized and empowered to enroll in a book, to be provided by him for this purpose as a part of the permanent records in his office, the Constitution of North Carolina of one thousand eight hundred and sixty-eight and all amendments thereto.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 209

## CHAPTER 108

AN ACT TO PROVIDE FOR REGISTRATION OF PISTOLS AND SIMILAR FIREARMS BY OWNERS THEREOF IN PERSON COUNTY.

*The General Assembly of North Carolina do enact:*

Pistols and certain other firearms to be registered in office of C. S. C. of Person County.

SECTION 1. That any person owning or possessing a pistol, revolver or short-arm machine gun or sub-machine gun, or having such pistol, revolver, short-arm machine gun or sub-machine gun under his control or custody or upon his premises, shall within sixty days of the ratification of this Act, come to the office of the clerk of the Superior Court of the county, and

register the same in the manner hereinafter provided. Where ownership or possession of a pistol, revolver or short-arm is acquired subsequent to the passage of this Act, the person so acquiring ownership or possession shall, within ten days after the purchase or transfer thereof, register the same in the manner hereinafter provided. Upon a subsequent sale or transfer of any registered pistol, revolver, short-arm machine gun or sub-machine gun the purchaser thereof shall within five days, report the same to the office of the clerk of the Superior Court and cause such pistol, revolver or short-arm machine gun or sub-machine gun to be registered in the name of the new owner. The clerk of the Superior Court may in his discretion require that the pistol, revolver, short-arm machine gun or sub-machine gun be presented to him for registration, such request to be made in written form.

Time for registration.

Sale or transfer of registered firearms to be reported by new owner.

C. S. C. may require firearms to be presented for registration.

SEC. 2. (a) That the clerk of the Superior Court shall keep a book to be provided by the board of county commissioners, in which he is to keep a record of all registration of pistols, revolvers or short-arm machine guns or sub-machine guns made under this Act. The record in such books shall include the name of the owner, place of residence, age, date of registration, date and place of purchase, and description of the pistol, revolver, short-arm machine gun or sub-machine gun including the name of the make, model, manufacturer's number or other mark of identification.

Record of registration to be kept.

Contents of registration records.

(b) That the clerk of the Superior Court shall issue to each owner so registering a pistol, revolver or short-arm machine gun or sub-machine gun a certificate of registration in the following form:

Certificate of registration to be issued to owner.

North Carolina  
 ..... County

I, ....., clerk of the Superior Court of said county, do hereby certify that ....., whose place of residence is ..... Street in ..... or in ..... township, ..... County, North Carolina, has registered the following described pistol, revolver, short-arm machine gun or sub-machine gun .....

Form of certificate.

This the ..... day of ....., 19.....

Clerk Superior Court.

The clerk of the Superior Court shall receive the sum of fifty cents for registration and issuance of such certificate.

Fee for registration.

Failure to register firearms made misdemeanor.

SEC. 3. (a) Failure to register any pistol, revolver, short-arm machine gun or sub-machine gun in accordance with the provisions of this Act is hereby declared to be a misdemeanor and the owner or the person in possession thereof, upon conviction, may be punished by fine or imprisonment at the discretion of the court.

Failure to report gift or pledge of firearms made misdemeanor.

(b) Failure to report or make new registration of any pistol, revolver, short-arm machine gun or sub-machine gun pledged, deposited or mortgaged for the purpose of securing a loan or any gift of a pistol, revolver, short-arm machine gun or sub-machine gun within five days after making such mortgage, deposit, pledge, or gift shall be a misdemeanor.

Unregistered firearms subject to confiscation.

SEC. 4. That all pistols, revolvers, short-arm machine guns or sub-machine guns not registered in the manner provided by this Act are subject to confiscation, and when such pistol, revolver, short-arm machine gun or sub-machine gun is found by any peace officer he shall impound it and hold the same for a period of ten days. If the owner shall appear and show a proper registration for said pistol, revolver, short-arm machine gun or sub-machine gun within the said ten days, such shall be returned to the owner. Otherwise, the sheriff of the county shall destroy the same within the year.

Destruction by Sheriff.

Firearms in possession of persons convicted of felony to be confiscated and destroyed.

SEC. 5. That upon arraignment for trial of any person for committing or attempting to commit a felony, any pistol, revolver, short-arm machine gun or sub-machine gun found in his possession, custody or control shall be impounded by the peace officer and upon conviction, the pistol, revolver, short-arm machine gun or sub-machine gun so impounded, whether registered or unregistered, shall upon order of the court be confiscated and destroyed and the sheriff of the county shall destroy the same within the year.

Such firearms may be used by certain peace officers or sold to agencies of U. S. or State of N. C. with approval of Board of County Commissioners.

It shall be permissible by and with the approval of the board of county commissioners for any such firearm to be applied to the use of the peace officers of Person County or of the Town of Roxboro and the sheriff may, by and with the approval of the board of commissioners, sell any such firearm to any agency of the Government of the United States of America or of the State of North Carolina. This provision applies to Section four of this Act as well as to Section five.

Alteration of identification of certain firearms made misdemeanor.

SEC. 6. (a) That it shall be a misdemeanor for any person to change, alter or obliterate the name of the make, model, manufacturer's number or any other mark of identification on any pistol, revolver, short-arm machine gun or sub-machine gun, and upon conviction may be punished by fine or imprisonment at the discretion of the court.

Firearms so altered to be confiscated and destroyed.

(b) That any pistol, revolver, short-arm machine gun or sub-machine gun found to have been so changed or altered shall be

subject to confiscation, and shall be destroyed as heretofore provided.

SEC. 7. That this Act shall not apply to antique firearms unsuitable for use and possessed solely as curiosities or ornaments. Act not applicable to antique firearms.

SEC. 8. That the word "person" as used in this Act, includes firm, partnership, association or corporation, and the masculine shall include the feminine and the neuter. If any part of this Act is for any reason declared void such invalidity shall not affect the remaining portions of the Act. Definition of "person."  
Partial invalidity section.

SEC. 9. That the provisions of this Act shall apply only to the County of Person. Application of Act.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 210 CHAPTER 109

AN ACT TO REPEAL CHAPTER THIRTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING ONLY TO THE METHOD OF ELECTING COUNTY COMMISSIONERS IN PERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter thirty-four of the Public Laws of one thousand nine hundred and forty-one, entitled "An Act dividing Person County into districts from which the Board of County Commissioners of Person County shall hereafter be elected," is hereby repealed. Ch. 34, Public Laws, 1941, relating to the method of electing County Commissioners of Person County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 211

## CHAPTER 110

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-FIVE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND THREE, AS AMENDED BY CHAPTER TWO HUNDRED AND SIXTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, AS AMENDED BY CHAPTER TWO HUNDRED, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO THE TERM OF OFFICE OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF HERTFORD IN PERQUIMANS COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 295,  
Private Laws,  
1903, amended.

SECTION 1. That Section three of Chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out in line five the word "two" and inserting in lieu thereof the word "four."

Sec. 6, Ch. 295,  
Private Laws,  
1903, amended.

SEC. 2. That Section six of Chapter two hundred and ninety-five, Private Laws of one thousand nine hundred and three, be and the same is hereby amended by striking out in line three the word "two" and inserting in lieu thereof the word "four."

Amendment to  
be submitted to  
voters of Town  
of Hertford at  
1943 municipal  
election.

SEC. 3. That at the next general municipal election to be held in the Town of Hertford in the year one thousand nine hundred and forty-three, this amendment shall be submitted to the qualified voters of said Town of Hertford in the same manner and under the same rules and regulations as provided in the laws governing general municipal elections.

Form of ballots.

SEC. 4. That the voters favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words, "For amendment making term of office of mayor and commissioners four years," and those opposed shall vote a ballot on which shall be written or printed the words, "Against amendment making term of office of mayor and commissioners four years."

Effect of majority  
vote for proposed  
amendment.

SEC. 5. That if, upon the canvass of the election upon this amendment, it shall be ascertained that a majority of the votes cast be in favor of this amendment, then the term of office of the Mayor and Commissioners of the Town of Hertford shall be four years, and the Mayor and Commissioners of the Town of Hertford who are elected at this said election shall take office for the said term of four years; that if a majority of the votes cast are against this amendment, then this Act shall be void.

Conflicting  
laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 228

### CHAPTER 111

AN ACT TO ENABLE BLIND PERSONS TO BE ACCOMPANIED BY THEIR "SEEING-EYE GUIDE DOGS" IN ALL PUBLIC CONVEYANCES AND IN ALL PLACES OF PUBLIC ACCOMMODATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any blind person accompanied by a dog described as a "seeing-eye dog," or any dog educated by a recognized training agency or school, which is used as a leader or guide, is entitled with his dog to the full and equal accommodations, advantages, facilities and privileges of all public conveyances, and all places of public accommodation, subject only to the conditions and limitations applicable to all persons not so accompanied.

Blind person accompanied by "seeing-eye dog", entitled to facilities of public conveyances and places of public accommodation.

Limitations.

SEC. 2. All laws and clauses of laws making it unlawful to bring or keep dogs in public conveyances and places of public accommodation in conflict with this Act are, to the extent of such conflict only, hereby repealed.

Laws in conflict with this Act, to extent of such conflict, repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

H. B. 229

### CHAPTER 112

AN ACT TO FIX THE SALARIES OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF AULANDER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor of the Town of Aulander shall receive as salary one hundred dollars (\$100.00) per year to be paid from the general fund of the town treasury.

Salary of Mayor of Town of Aulander.

SEC. 2. That each member of the Board of Commissioners of the Town of Aulander shall receive as salary sixty dollars (\$60.00) per year to be paid from the general fund of the town treasury.

Salary of members of Board of Commissioners of Town of Aulander.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 4. That this Act shall be in full force and effect from and after the commencement of the next full term for Town of Aulander officers on the first day of July, one thousand nine hundred and forty-three.

Ratified this the 15th day of February, 1943.

H. B. 236

CHAPTER 113

AN ACT TO AMEND SUBSECTION FIVE OF SECTION TWENTY-FOUR OF CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED BY CHAPTER SIXTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO GASOLINE ROAD TAX REFUNDS.

*The General Assembly of North Carolina do enact:*

Sec. 24, Ch. 145,  
Public Laws,  
1931, amended.

SECTION 1. Subsection five of Section twenty-four of Chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-one, as amended by Chapter sixteen of the Public Laws of one thousand nine hundred and forty-one, be, and the same hereby is, further amended by striking out the last two provisos and inserting in lieu thereof the following:

Motor fuel lost  
through certain  
causes excluded  
from measure  
of tax.

“Provided, that if any licensed distributor who has elected to pay the tax levied herein on the amount of motor fuel purchased, produced, refined, manufactured, or compounded, in lieu of the amount sold, distributed, or used, shall lose any such fuel by reason of fire, lightning, flood, windstorm, wrecking of transportation conveyance, acts of war, or any accidental or providential cause, and such loss is clearly proved to the satisfaction of the Commissioner of Revenue, the amount of motor fuel lost shall be excluded from the measure of his tax.

Refund of tax  
paid by non-  
licensed distribu-  
tor on motor fuel  
lost through  
certain causes.

“Provided, further, that the Commissioner of Revenue shall have power under such rules and regulations as he may adopt for the purpose to refund to any non-licensed distributor the tax on any motor fuel purchased by and delivered to him taxpaid that is lost by fire, lightning, flood, windstorm, acts of war, or any accidental or providential cause, after it is delivered to him and before it is sold, but such loss must be clearly proved to the satisfaction of the commissioner.”

Conflicting  
laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Application  
of Act.

SEC. 2½. This Act shall not apply to any loss sustained prior to March first, one thousand nine hundred and forty-three.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 259                    CHAPTER 114

AN ACT TO AMEND CONSOLIDATED STATUTES SIXTY-FIVE (a), VOLUME THREE, ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED, SO AS TO INCLUDE YANCEY COUNTY UNDER THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Consolidated Statutes sixty-five (a), Volume three, one thousand nine hundred and twenty-four, as amended, be, and the same is hereby, amended by adding a new sentence at the end thereof to read as follows: "This section shall apply to Yancey County." C. S. 65 (a), vol. 3,  
amended to  
apply to Yancey  
County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 265                    CHAPTER 115

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND SIXTY-SIX OF THE CONSOLIDATED STATUTES, AS AMENDED, PROVIDING FOR DISPOSSESSION OF TENANTS FOR REFUSAL TO PERFORM CONTRACTS IN CERTAIN COUNTIES, TO INCLUDE IN COUNTIES THEREIN LISTED THE COUNTY OF BRUNSWICK.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section two thousand three hundred and sixty-six of the Consolidated Statutes is hereby amended by adding, between the words "Bladen" and "Burke" in the second sentence thereof, the following: "Brunswick." C. S. 2366,  
amended to apply  
to Brunswick  
County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 273

## CHAPTER 116

## AN ACT TO AUTHORIZE THE EMPLOYMENT OF A FULL OR PART-TIME CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF BLADEN COUNTY.

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Bladen County permitted to make chairman of board administrative head of county government.

Chairman may be given full or part-time duties.

Compensation of Chairman.

Conflicting laws repealed.

SECTION 1. The Board of County Commissioners of Bladen County is hereby authorized and empowered, in the discretion of the board, to elect one of its own members as chairman of the said board, which said chairman shall be the administrative head of the county government and shall be responsible for the administration of all the departments of the county government which the board of commissioners has authority to control, and the said board of commissioners is hereby authorized, in its discretion, to impose upon the said chairman the duties of a full-time chairman or the said board of commissioners is authorized and empowered, in its discretion, to impose upon the said chairman only the duties of a part-time chairman, and he shall perform such duties as may be imposed upon him by the Board of Commissioners of Bladen County, and such chairman shall be entitled to such reasonable compensation for his services as the board of commissioners may determine, not in excess of six hundred dollars (\$600.00) per annum.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 276

## CHAPTER 117

## AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO ALLOTING A PORTION OF THE ALCOHOLIC BEVERAGE FUND TO WILMINGTON PORT DEVELOPMENT.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 135, Public Laws, 1941, amended.

SECTION 1. That Section one, Chapter one hundred and thirty-five of the Public Laws of one thousand nine hundred and forty-one be amended by striking out in lines two and three of the second paragraph all of the first sentence after the word "the" in line two, and substituting in lieu thereof the following: "thirtieth day of September, thirty-first day of December, thirty-first day of March and the thirtieth day of June of each year."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## H. B. 283 CHAPTER 118

AN ACT AMENDING CHAPTER FOUR HUNDRED AND SIXTY-NINE, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE DISPOSITION OF THE PROCEEDS DERIVED FROM ALCOHOLIC BEVERAGE CONTROL STORES OF THE COUNTY OF DURHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter four hundred and sixty-nine, Public-Local Laws of North Carolina, Session of one thousand nine hundred and thirty-seven, entitled, "An Act Relating to the Division of Profits from any Liquor Control Stores Located in Durham County," be, and the same is hereby amended, by striking out the period at the end of said section of said Act and adding thereto the following words after the word "County": "to be expended by the Board of County Commissioners of Durham County for any public purpose." Sec. 2, Ch. 469, Public-Local Laws, 1937, relative to division of profits of Liquor Control Stores of Durham County, amended.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, 1943.

## S. B. 33 CHAPTER 119

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND SEVENTY-SIX OF THE CONSOLIDATED STATUTES, ELIMINATING THE CRIMINAL PENALTY FOR FAILURE TO PAY THE DOG TAX LICENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand six hundred and seventy-six of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same hereby is, repealed and in lieu thereof said Section one thousand six hundred and seventy-six shall read as follows: C. S. 1676 rewritten.

“SEC. 1676. When tax is due. The license or privilege tax herein imposed shall be due and payable on the first day of October of each and every year.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

## S. B. 45

## CHAPTER 120

AN ACT TO ALLOW MEMBERS OF THE STATE HIGHWAY PATROL TO MAKE ELECTION BETWEEN MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

*The General Assembly of North Carolina do enact:*

Highway Patrolmen permitted to transfer membership from Law Enforcement Officers' Benefit and Retirement Fund to Teachers' and State Employees' Retirement System.

SECTION 1. That all State Highway Patrolmen who are now members of the Law Enforcement Officers' Benefit and Retirement Fund be, and they are hereby, allowed until July first, one thousand nine hundred and forty-three, in which to withdraw their membership from the Law Enforcement Officers' Benefit and Retirement Fund and become members of the Teachers' and State Employees' Retirement System, upon complying with the requirements hereinafter set forth.

Method of transfer.

SEC. 2. In the event a State Highway Patrolman desires to exercise the privilege of transferring his membership from the Law Enforcement Officers' Benefit and Retirement Fund to the Teachers' and State Employees' Retirement System, he shall be allowed to do so upon depositing in the Teachers' and State Employees' Retirement System an amount equal to the contributions such State Highway Patrolman would have made under the provisions of the Teachers' and State Employees' Retirement Act, had he become a member of the Teachers' and State Employees' Retirement System on July first, one thousand nine hundred and forty-one, and when such patrolman has deposited said contributions in the Teachers' and State Employees' Retirement System, he shall immediately become a member thereof and be entitled to all the rights and privileges of a state employee who became a member of the Teachers' and State Employees' Retirement System on July first, one thousand nine hundred and forty-one, including prior service, as defined in the Teachers' and State Employees' Retirement Act.

SEC. 3. That all State Highway Patrolmen who are now members of the Teachers' and State Employees' Retirement System be, and they are hereby, allowed until July first, one thousand nine hundred and forty-three, in which to withdraw their membership in the Teachers' and State Employees' Retirement System and become members of the Law Enforcement Officers' Benefit and Retirement Fund.

Highway Patrolmen permitted to transfer membership from Teachers' and State Employees' Retirement System to Law Enforcement Officers' Benefit and Retirement Fund.

SEC. 4. Upon request of a State Highway Patrolman stating that he desires to withdraw his membership in the Teachers' and State Employees' Retirement System and become a member of the Law Enforcement Officers' Benefit and Retirement Fund, the Executive Secretary of the Board of Trustees of the Teachers' and State Employees' Retirement System is authorized, directed, and empowered to transfer all of the employee's contributions standing to the credit of such applicant in the Teachers' and State Employees' Retirement System to the proper official of the Law Enforcement Officers' Benefit and Retirement Fund, and when such transfer is made, the membership of such State Highway Patrolman shall cease in the Teachers' and State Employees' Retirement System and he shall immediately become a member of the Law Enforcement Officers' Benefit and Retirement Fund.

Method of transfer.

SEC. 5. The Board of Commissioners of the Law Enforcement Officers' Benefit and Retirement Fund is authorized and empowered to receive any funds transferred, as provided in the preceding section, and to receive any additional lump sum contributions from State Highway Patrolmen transferring their membership from the Teachers' and State Employees' Retirement System to the Law Enforcement Officers' Benefit and Retirement Fund in order to entitle said State Highway Patrolmen to the maximum benefits provided in the Act creating the Law Enforcement Officers' Benefit and Retirement Fund, and amendments thereto.

Board of Commissioners of Law Enforcement Officers' Benefit and Retirement Fund to receive funds of transferred memberships.

SEC. 6. That every person who is employed in the future as a State Highway Patrolman shall automatically become a member of the Teachers' and State Employees' Retirement System unless such person shall, within fifteen days after his employment, furnish the Executive Secretary of the Board of Trustees, Teachers' and State Employees' Retirement System, sufficient evidence that such person has become a member of the Law Enforcement Officers' Benefit and Retirement Fund, in which event such person shall not be entitled to membership in the Teachers' and State Employees' Retirement System.

Provision for membership of Highway Patrolmen employed in future.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

## S. B. 53

## CHAPTER 121

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, AND TO PROVIDE FOR SESSIONS OR TERMS OF THE SUPERIOR COURT IN CITIES OTHER THAN THE COUNTY SEAT WHICH HAVE A POPULATION OF AS MANY AS THIRTY-FIVE THOUSAND INHABITANTS.

*The General Assembly of North Carolina do enact:*

Terms of Superior Court to be held in cities, other than county seat, having as many as 35,000 inhabitants.

SECTION 1. Terms of the Superior Court shall be held in each city in the State which is not a county seat and having at any time as many as thirty-five thousand inhabitants, according to the last Federal census.

C. S. C. to prepare dockets for courts to be held in such cities.

SEC. 2. For the purpose of segregating the cases to be tried in any said city, and to designate the place of trial, the clerk of the Superior Court of any county having one or more such cities shall set up a criminal docket and a civil docket, which shall contain the cases and proceedings to be tried in each such city in his county. Such dockets, for identification, shall bear on the outside the name of the city in which such terms of court are to be held followed by the word "Division." Summons in actions to be tried in any such city shall be similarly designated in print, and all other process in connection with proceedings and matters to be heard in said city shall clearly designate the place of trial.

Summons and process shall designate place of trial.

County having such city to be divided into territorial divisions.

SEC. 3. For the purpose of determining the proper place of trial of any action or proceeding, whether civil or criminal, the county in which each said city is located shall be divided into territorial divisions, and the territory embraced in the division in which each said city is located shall be the township in which each said city lies and all other townships within such county, each of which have one or more common boundary lines with the township in which each such city is located, such division of the Superior Court to be known by the name of said city followed by the word "Division," and all other townships of any such county shall constitute the territorial limits of a division of the Superior Court to be known by the name of the county seat followed by the word "Division," and all laws, rules and regulations now or hereafter in force and effect in determining the proper venue as between the Superior Courts of the several counties of North Carolina shall apply for the purpose of determining the proper place of trial as between said divisions within such county and as between each of said divisions within said county and all other counties or other divisions of the Superior Court within North Carolina. Actions properly instituted in any municipal or county court cannot

Venue.

be removed to any such division of the Superior Court except in the following cases: (a) Upon the written consent of all parties litigant, or of their attorneys, or (b) by the judge of such municipal or county court, when in the exercise of his discretion he finds that such removal will promote the ends of justice and the convenience of witnesses.

The clerk of any such Superior Court may, but shall not be required to, hear matters in any place other than at his office at the county seat.

SEC. 4. The grand jury for the several divisions of court of any county in which any said city is located shall be drawn from the whole county, and may hold hearings and meetings at either the county seat or elsewhere within the county as it may elect, or as it may be directed by the judge holding any term of Superior Court within such county: Provided, however, that in arranging the terms of the court for the trial of criminal cases for any county in which any said city is located a term of one week or more to be held at the county seat shall precede any term of one week or more to be held in any such city, so as to facilitate the work of the grand jury, and so as to confine the holding of its hearings and meetings to the county seat as fully as may be practicable.

Grand jury.

Arrangement  
of criminal  
terms of court.

All petit jurors for all terms of court in the several divisions of said county shall be drawn, as now or hereafter provided by law, from the whole of the county in which any said city is located for all terms of courts in the several divisions of said county.

Petit jurors  
drawn from  
whole county.

SEC. 5. Special terms of court for the trial of either civil or criminal cases in any said city may be arranged as by law now or hereafter provided for special terms of the Superior Court.

Special terms  
of court.

SEC. 6. All court records of all such divisions of the Superior Court of any such county shall be kept in the office of the clerk of the Superior Court at the county seat, but they may be temporarily removed under the direction and supervision of the clerk to any said division or divisions. No judgment or order rendered at any term held in any such city shall become a lien upon or otherwise affect the title to any real estate within such county until same has been docketed in the office of the clerk of the Superior Court at the county seat as now or may hereafter be provided by law: Provided, that nothing herein shall affect the provisions of Section six hundred and thirteen of the Consolidated Statutes of North Carolina, and the equities therein provided for shall be preserved as to all judgments and orders rendered at any term of the Superior Court in any such city.

All court  
records to be  
kept in office  
of C. S. C.

Judgment  
not lien until  
docketed in  
office of C. S. C.

C. S. 613 not  
affected.

Board of County Commissioners to provide place for holding court, and pay certain expenses.

SEC. 7. It shall be the duty of the board of county commissioners of the county in which any such city is located to provide a suitable place for holding such terms of court, and to provide for the payment of the extra expense, if any, of the clerk and his deputies and the sheriff and his deputies in attending the terms of court of any such division, and the expense of keeping, housing and feeding prisoners while awaiting trial.

Pending litigation not affected.

SEC. 8. This Act shall not affect or apply to litigation pending in any Superior Court at the time of its effective date: Provided, that if attorneys representing all parties litigant in any such cases or proceedings shall file, in the office of the clerk of the Superior Court, prior to the time any such cases is next calendared for trial, a written request for removal of said case or proceeding to said new division for trial, then, if said division is otherwise the proper place for trial, it shall be the duty of the clerk to transfer it to the trial docket of said new division.

Partial invalidity section.

SEC. 9. A declaration by a court of competent jurisdiction that any one section, subsection, or part of subsection, of this Act is unconstitutional shall not be held to impair the validity of the remainder of this Act.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in so far as they conflict with this Act are hereby repealed.

Effective date.

SEC. 11. This Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-three.

Ratified this the 17th day of February, 1943.

S. B. 82

CHAPTER 122

AN ACT TO AMEND CHAPTER FIFTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE SO AS TO EXTEND THE PROVISIONS FOR FREE PRIVILEGE LICENSES FOR THE BLIND VETERANS OF THE ARMED FORCES TO TRANSACT BUSINESS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

Ch. 53, Public Laws, 1933, amended.

SECTION 1. That Chapter fifty-three of the Public Laws of one thousand nine hundred and thirty-three be amended by adding after Section three thereof a new section to be numbered Section three (a) which shall read as follows:

“3 (a) That any veteran of the United States Armed Forces to whom a privilege license was issued free under this Act prior to one thousand nine hundred and forty-one shall be entitled to free privilege licenses hereunder so long as such veteran shall continue to be visually handicapped.”

Veteran of U. S. Armed Forces to whom privilege license issued under this Act prior to 1941 entitled to licenses while visually handicapped.

SEC. 2. That all laws and clauses of laws in conflict of this Act shall be repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

S. B. 98

### CHAPTER 123

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED, RELATING TO GASOLINE TAX REFUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection fifteen, Section twenty-four, of Chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-one, as amended by Chapter three hundred and four of the Public Laws of one thousand nine hundred and thirty-one, Chapter two hundred and eleven of the Public Laws of one thousand nine hundred and thirty-three, and Chapter fifteen of the Public Laws of one thousand nine hundred and forty-one, is hereby further amended by adding to Subsection fifteen at the end of Paragraph (c) the following:

Sec. 24, Ch. 145, Public Laws, 1931, relative to gasoline tax refunds, amended.

“Provided that the invoices or delivery tickets issued by the retail dealer or distributor and filed as a part of any claim for a refund of tax on motor fuel, shall be marked paid by the dealer or distributor and shall show the date of purchase and the date of payment.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 17th day of February, 1943.

## S. B. 103

## CHAPTER 124

## AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GREENVILLE IN PITT COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporate limits of City of Greenville extended.

SECTION 1. That the corporate limits of the City of Greenville, a municipal corporation located in Pitt County, North Carolina, shall be extended by annexing to the territory now within said corporate limits the area of land embraced within the following boundaries, to-wit:

Boundaries of new territory.

Beginning at the Northwest corner of the intersection of Elm Street and Tenth Street Extension and running thence Southwardly with the West line of Elm Street to the North bank of Green Mill Run; thence Westwardly with the North bank of Green Mill Run to the present corporate boundary of the City of Greenville; thence Northwardly with the present corporate boundary of the City of Greenville to the North line of the Tenth Street Extension; thence with the North line of the Tenth Street Extension to the beginning.

Laws applicable to City of Greenville made applicable to annexed area.

SEC. 2. That all laws and clauses of laws applicable to the City of Greenville according to the corporate limits as heretofore defined, shall be applicable to the City of Greenville with the extended boundaries as set forth in Section one hereof as fully as if the extended boundaries had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each reenactment of said charter.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Ratified this the 17th day of February, 1943.

## S. B. 104

## CHAPTER 125

## AN ACT TO AMEND SECTION TEN CHAPTER SIXTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN SO THAT THE CITY OF ROANOKE RAPIDS MAY LEVY A TAX RATE OF SIXTY CENTS INSTEAD OF FIFTY CENTS ON THE ONE HUNDRED DOLLAR VALUATION ON ALL TAXABLE PROPERTY IN ROANOKE RAPIDS.

*The General Assembly of North Carolina do enact:*

Sec. 10, Ch. 67, Public-Local Laws, 1937, amended.

SECTION 1. That Section ten of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended as follows: After the word "exceeding" in line

six thereof strike out the words and figures "fifty cents (50¢)" and insert in lieu thereof the words and figures "sixty cents (60¢)."

SEC. 2. That it is the purpose of this Act to amend Section ten of Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven so as to authorize the Board of Commissioners of the City of Roanoke Rapids to levy and collect for municipal purposes an annual ad valorem tax on all taxable property within the corporate limits of the City of Roanoke Rapids at a rate not exceeding sixty cents (60¢) on the one hundred dollar valuation of said property.

Board of Commissioners of City of Roanoke Rapids permitted to levy ad valorem tax at rate not exceeding 60c per hundred dollar valuation.

SEC. 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force from and after its ratification.

Ratified this the 17th day of February, 1943.

S. B. 108

## CHAPTER 126

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS FOR THE COUNTY OF FORSYTH TO LEVY AN ADDITIONAL TAX FOR THE SUPPORT AND MAINTENANCE OF THE FORSYTH COUNTY TUBERCULAR HOSPITAL, AND RATIFYING ALL SUCH LEVIES HERETOFORE MADE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners for the County of Forsyth are hereby authorized and empowered to levy a special annual tax not to exceed ten cents on the one hundred dollars valuation of property and fifteen cents on the poll, to be used as a maintenance fund for the support and upkeep of the Forsyth County Tubercular Hospital.

Board of Commissioners of County of Forsyth authorized to levy tax for support of Forsyth County Tubercular Hospital.

SEC. 2. That all levies heretofore made by the Board of Commissioners for the County of Forsyth for the maintenance and upkeep of the Forsyth County Tubercular Hospital are hereby ratified and approved.

Previous levies for maintenance of Forsyth County Tubercular Hospital ratified.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

## S. B. 112

## CHAPTER 127

AN ACT TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES OF THE STATE TO REMIT TAXES FOR ONE THOUSAND NINE HUNDRED AND FORTY-THREE ON ALL REAL PROPERTY IN THEIR RESPECTIVE COUNTIES WHICH THE UNITED STATES GOVERNMENT TOOK POSSESSION OF FOR MILITARY PURPOSES PRIOR TO JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, PURSUANT TO CONTRACTS EXECUTED PRIOR TO SAID JANUARY FIRST, PROVIDED SUCH REAL PROPERTY SHALL BE CONVEYED TO THE UNITED STATES OR TO SOME AGENCY THEREOF FOR MILITARY PURPOSES BEFORE JULY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

Boards of county commissioners authorized to remit 1943 taxes on certain real property taken possession of by the U. S. Government for military purposes.

SECTION 1. The boards of county commissioners of the several counties of the State are hereby authorized to remit taxes for one thousand nine hundred and forty-three on all real property in their respective counties which the United States Government took possession of for military purposes prior to January first, one thousand nine hundred and forty-three, pursuant to contracts executed prior to said January first, provided such real property shall be conveyed to the United States or to some agency thereof for military purposes before July first, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

## S. B. 206

## CHAPTER 128

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE SO AS TO INCLUDE THE TOWN OF LILLINGTON IN HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 292, Public Laws, 1941, amended to apply to Town of Lillington in Harnett County.

SECTION 1. That Chapter two hundred and ninety-two of the Public Laws of one thousand nine hundred and forty-one be amended as follows: By striking out the period at the end of Section two of the said Act and adding thereto the words, "and the Town of Lillington in Harnett County."

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 17th day of February, 1943.

H. B. 74

CHAPTER 129

AN ACT PROVIDING FOR THE ASSUMPTION BY PENDER COUNTY OF ROAD BONDS OF CASWELL TOWNSHIP AND COLUMBIA TOWNSHIP IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the payment of the principal of the following described bonds of townships in Pender County shall be and the same hereby is assumed by said county, such payment to be made on or before the maturity of said bonds with debt service moneys derived from collections of taxes heretofore levied for debt service or from other sources, to-wit: twenty thousand dollars (\$20,000.00) Road Bonds Caswell Township, dated July first, one thousand nine hundred and thirteen, payable July first, one thousand nine hundred and forty-three, and bearing interest at the rate of six per centum per annum, and ten thousand dollars (\$10,000.00) Good Road Bonds of Columbia Township, dated July first, one thousand nine hundred and thirteen, payable July first, one thousand nine hundred and forty-three, and bearing interest at the rate of six per centum per annum. It is hereby determined that all of said township bonds were issued for the purpose of, and the proceeds of said bonds used for making necessary improvements of public roads constituting a part of the General Road System of Pender County, and that the entire county received direct benefit from the said expenditure, and the county, as a whole, was relieved of an expenditure which otherwise would have fallen upon the whole county.

Principal of certain township bonds assumed by Pender County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

H. B. 207

## CHAPTER 130

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO COMPLETE THE QUADRENNIAL ASSESSMENT OF REAL PROPERTY FOR TAXATION IN THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE, AND VALIDATING ACTIONS TAKEN HERETOFORE WITH RESPECT THERETO.

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Randolph County authorized to complete quadrennial assessment.

SECTION 1. That the Board of County Commissioners of Randolph County are hereby authorized and empowered to complete the quadrennial assessment of real and personal property begun in the year one thousand nine hundred and forty-one in said county for taxation for the fiscal year beginning July first, one thousand nine hundred and forty-three, and the said quadrennial assessment, when completed, shall be for taxation of said property for the fiscal years beginning July first, one thousand nine hundred and forty-three. That in making said quadrennial assessment for one thousand nine hundred and forty-three the board of county commissioners of said county are authorized to accept the appraisals made in the townships of said county in which the real and personal property has been heretofore appraised, and reports made to the said commissioners, and complete the said work by having the quadrennial assessments made in any township in which said work has not heretofore been completed, all of which shall be as valid as though completed in the year one thousand nine hundred and forty-three; but the said board of county commissioners are authorized to make any adjustments in the said valuations as they shall find proper and necessary and to adjust said values as of January first, one thousand nine hundred and forty-three, and all of said property, when assessed, shall be assessed as of said date. That all proceedings hereafter with reference to the assessment of said property shall be in accordance with the Machinery Act of one thousand nine hundred and thirty-nine, as amended, and as though all of the steps taken in the valuation of said property were taken in the year one thousand nine hundred and forty-three.

Board authorized to make adjustments in valuations.

Proceedings as to assessment to be in accordance with Machinery Act.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

H. B. 208

CHAPTER 131

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE APPOINTMENT OF A TAX SUPERVISOR AND PURCHASING AGENT OF SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eleven of Chapter one hundred and forty-one of the Public-Local Laws of one thousand nine hundred and twenty-five be, and the same is hereby, repealed, and there is inserted in lieu thereof the following:

Sec. 11, Ch. 141, Public-Local Laws, 1925, rewritten.

“SEC. 11. That the present purchasing agent, tax supervisor and bookkeeper for Surry County shall hold his office until the first Monday in December, one thousand nine hundred and forty-four, when said office shall be filled by appointment of a purchasing agent, tax supervisor and bookkeeper by the Board of County Commissioners of Surry County, who shall hold office for a term of two years, and said office shall be filled by appointment by said board of county commissioners each two years thereafter: Provided, if the present officer shall die, resign, or be removed from office, his successor shall be appointed by the said Board of County Commissioners of Surry County.”

Present Tax Supervisor of Surry County to hold office until December, 1944.

Thereafter Tax Supervisor and Purchasing Agent to be appointed by Board of County Commissioners.

Term of office.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

H. B. 252

CHAPTER 132

AN ACT TO AMEND SECTION FIVE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA AND TO PROVIDE FOR APPOINTMENT OF TRUSTEES OF THE NEGRO AGRICULTURAL AND TECHNICAL COLLEGE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five thousand eight hundred and twenty-eight of the Consolidated Statutes of North Carolina is hereby amended so that the same shall hereafter read as follows:

C. S. 5828 rewritten.

“SEC. 5828. Board of trustees; appointments; vacancies; chairman. The management and control of the college and the care and preservation of all its property shall be vested in a

Board of trustees of Negro Agricultural and Technical College of N. C.

board of trustees, consisting of sixteen members, one of whom shall be the State Superintendent of Public Instruction (as provided in Consolidated Statutes, Section five thousand nine hundred and twelve (h) one). The other fifteen members shall be divided into three classes, and five shall be appointed by the Governor on or after January first, one thousand nine hundred and forty-three, and five on or after January first, one thousand nine hundred and forty-five, and five on or after January first, one thousand nine hundred and forty-seven, each and all to be appointed for terms of six years from January first of the year in which they are appointed, respectively. Members of the board so appointed shall serve until their successors are appointed and qualified. Appointments heretofore made by the Governor are hereby ratified and confirmed. Any vacancies which, for any cause, may occur, shall be filled by the Governor for the unexpired term. The board shall annually elect one of their number to be chairman of the board of trustees, and may elect a vice-chairman. The board shall also appoint a secretary, who may or may not be a member of the board."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

H. B. 258

## CHAPTER 133

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE TO ENLARGE AND EXTEND THE CORPORATE LIMITS OF THE TOWN OF JACKSONVILLE, NORTH CAROLINA, SO AS TO INCLUDE THE DEVELOPMENT KNOWN AND DESIGNATED AS OVERBROOK.

*The General Assembly of North Carolina do enact:*

Corporate limits of Town of Jacksonville extended.

Ch. 343, Public-Local Laws, 1941, amended.

Boundaries of new territory.

SECTION 1. That in addition to the corporate limits of the Town of Jacksonville, North Carolina as set out in Section two of Chapter three hundred and forty-three of the Public-Local and Private Laws of one thousand nine hundred and forty-one the corporate limits of the said town shall be extended so as to include the following described area:

Beginning at Chaney Creek on North Carolina Highway Number thirty at the present limits of the Town of Jacksonville and running thence with Highway Number thirty North fifty-three degrees eight minutes East one thousand and eighty-

two feet, thence North thirty-six degrees forty-three minutes West two thousand six hundred and thirty-six and nine tenths feet to Mill Creek, thence South seventeen degrees twenty-two minutes West two thousand three hundred and ninety-five feet to Chaney Creek, thence up and with the Southward side of Chaney Creek to the beginning.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

S. B. 43

### CHAPTER 134

AN ACT TO CREATE TWENTY-ONE SOLICITORIAL DISTRICTS AS AUTHORIZED BY THE CONSTITUTIONAL AMENDMENT ADOPTED IN NOVEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Article six of Chapter twenty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same hereby is, amended by changing the heading thereof to read as follows: Art. 6, Ch. 27, C. S. of 1919, amended.

“ART. 6. Judicial and Solicitorial Districts and Terms of Court.”

SEC. 2. That Section one thousand four hundred and forty-one of Article six of the Consolidated Statutes of one thousand nine hundred and nineteen be further amended by adding at the end of said section, the following: C. S. 1441 amended.

“As required by the Constitution, Article IV, Section twenty-three, as amended, the State shall be divided into twenty-one solicitorial districts, numbered first to twenty-first, which districts shall be the same as the judicial districts hereinafter designated. The solicitors elected for the twenty-one judicial districts, respectively, in the general election held on November third, one thousand nine hundred and forty-two, shall be the solicitors, respectively, of the twenty-one solicitorial districts hereby created.” State divided into 21 solicitorial districts.  
Solicitors elected in 1942 are solicitors of said districts.

SEC. 3. That Section one thousand four hundred and twenty-nine of the Consolidated Statutes shall be amended by rewriting said section to read as follows: C. S. 1429 rewritten.

State divided into 21 Superior Court judicial districts. Judge to be chosen from each district. 21 solicitorial districts. Solicitor for each district.

C. S., 1431, 3890, 5917, amended.

"1429. The State shall be divided into twenty-one Superior Court judicial districts, for each of which a judge shall be chosen in the manner now prescribed by law. The State shall also be divided into twenty-one solicitorial districts as set out in Section one thousand four hundred and forty-one of the Consolidated Statutes, for each of which a solicitor shall be chosen in the manner now prescribed by law."

SEC. 4. That Section one thousand four hundred and thirty-one, Section three thousand eight hundred and ninety, and Section five thousand nine hundred and seventeen of the Consolidated Statutes, as amended, be further amended by striking out the word "judicial" wherever the same appears in said sections and inserting in lieu thereof the word "solicitorial," and wherever reference to the solicitor of a "judicial district" appears in any statute the same shall be deemed to refer to the solicitor of a "solicitorial district."

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

## S. B. 64

## CHAPTER 135

AN ACT TO FURTHER AMEND SECTION THREE THOUSAND THREE HUNDRED AND FORTY-SIX, VOLUME ONE, OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE.

*The General Assembly of North Carolina do enact:*

C. S. 3346 relative to probates before officers, stockholders or directors of corporations, amended.

SECTION 1. That Section three thousand three hundred and forty-six, Volume one, of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Chapter twenty-four of the Public Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby, further amended by striking out the words "one thousand nine hundred and twenty-nine" wherever the same appear in said section, and inserting in lieu thereof the words "one thousand nine hundred and forty-three."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

S. B. 129

## CHAPTER 136

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE AND ARTICLE TWELVE OF CHAPTER NINETY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE MANAGEMENT OF THE STATE HOSPITAL AT RALEIGH, THE STATE HOSPITAL AT MORGANTON, THE STATE HOSPITAL AT GOLDSBORO AND THE CASWELL TRAINING SCHOOL AT KINSTON TO PROVIDE FOR THE APPOINTMENT OF A UNIFIED BOARD OF DIRECTORS FOR SUCH INSTITUTIONS AND TO PROVIDE FOR THE APPOINTMENT OF A GENERAL SUPERINTENDENT OF MENTAL HYGIENE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter two hundred and sixty-five of the Public Laws of one thousand nine hundred and twenty-nine is hereby repealed and the following inserted in lieu thereof:

Sec. 2, Ch. 265,  
Public Laws,  
1929, rewritten.

“SEC. 2. A committee made up of three members selected by the board of directors hereinafter provided for and the Governor may change said line from time to time whenever in their opinion such change may be desirable and proper. The committee or the Governor, may have patients transferred from or to the State Hospital at Raleigh and the State Hospital at Morganton when such transfer may be advantageous.”

Provision for  
changing line  
dividing terri-  
tory of State  
Hospitals at  
Raleigh and  
Morganton.

Transfer  
of parties.

SEC. 2. That Section six thousand one hundred and fifty-nine (a) of Volume III of the Consolidated Statutes, as amended, is hereby repealed and the following inserted in lieu thereof:

C. S. 6159 (a),  
vol. 3, rewritten.

“SEC. 6159 (a). Management of certain institutions by unified board of directors; appointment; quorum; term of office. The following institutions of this State to-wit: The State Hospital at Raleigh, the State Hospital at Morganton, the State Hospital at Goldsboro, and the Caswell Training School at Kinston shall be under the management of one board of directors composed of sixteen members, fifteen of whom shall be appointed by the Governor of North Carolina, no two of which fifteen shall be residents of the same county. In order that the Western, Central and Eastern sections of the State shall have equal representation on said board, the Governor shall name one woman and four men from each of said sections of the State on said board. The board of directors shall be divided into five classes of three directors each, the first class to serve for a period of one year, the second class to serve for a period of two years, the third class to serve for a period of three years, the fourth class to serve for a period of four years, the fifth class to serve for a period of five years, and at the

State Hospitals  
at Raleigh,  
Morganton and  
Goldsboro, and  
Caswell Training  
School to be  
under one board  
of directors.

Appointment  
of directors.

Directors  
divided into  
five classes.

expiration of their respective terms of office all appointments shall be for a term of five years, except such as are made to fill unexpired terms. The Secretary of the North Carolina State Board of Health shall be an ex officio member of said board of directors. The Governor shall transmit to the Senate at the next session of the General Assembly, for confirmation, the names of the persons appointed by him. Nine directors shall constitute a quorum, except when three are by law engaged to act for special purposes.

Secretary of State Board of Health ex officio member of Board.

Directors to be confirmed by Senate.

Quorum.

“In case of a vacancy or vacancies in the board of directors for any cause, his or her successor or successors shall be appointed by the Governor and the appointment shall be reported to the next succeeding session of the Senate of the General Assembly of North Carolina for confirmation.

Vacancies in board filled by Governor.

“Members of the board shall serve for terms as prescribed above, and until their successors are appointed and qualified. The Governor shall have the power to remove any member of the board whenever in his opinion it is to the best interest of the State to remove such person, and the Governor shall not be required to give any reason for such removal.”

Governor may remove member of board.

C. S. 6159 (b), vol. 3, rewritten.

SEC. 3. That Section six thousand one hundred and fifty-nine (b) of Volume III of the Consolidated Statutes is hereby repealed and the following inserted in lieu thereof:

Powers and duties of unified board of directors.

“SEC. 6159 (b). Wherever in any of the sections of this chapter and in the sections under Article twelve, Chapter ninety-six of the Consolidated Statutes, the board of directors or board of trustees is referred to, it shall be construed that the unified board of directors of the said institutions shall have all the powers conferred and duties imposed heretofore upon the separate boards of directors or board of trustees of the several institutions herein mentioned and said powers and duties shall be exercised and performed as to each of the institutions by the unified board of directors herein provided for; and the said board shall be responsible for the management of the said institutions and the disbursement of appropriations made for the maintenance and permanent enlargement and repairs of the said institutions, subject to the provisions of the Executive Budget Act, and said board shall make an annual report to the Governor, and oftener if called for by him, of the condition of each of the said institutions and shall make biennial reports to the Governor, to be transmitted by him to the General Assembly, of all moneys received and disbursed by each of said institutions. Wherever the words “board of directors” or “board of trustees” are used in any of the laws of this State with reference to the institutions enumerated in Section six thousand one hundred and fifty-nine (a), as rewritten above, the same shall mean the unified board of directors provided for in Section six thousand one hundred and fifty-nine (a) above.

Report to Governor.

SEC. 4. That Section six thousand one hundred and fifty-nine (c) of Volume III of the Consolidated Statutes is hereby repealed and the following inserted in lieu thereof:

C. S. 6159 (c),  
vol. 3, rewritten.

"SEC. 6159 (c). It shall be the duty of the board of directors herein provided for to select and appoint from its number a building committee, who shall be specially charged with the duty of supervision of the buildings to be built or repaired from appropriations made to said institutions by the General Assembly of this State."

Board of directors to appoint building committee.

Duties of committee.

SEC. 5. That Section six thousand one hundred and sixty-one of the Consolidated Statutes is hereby repealed and the following inserted in lieu thereof:

C. S. 6161  
rewritten.

"SEC. 6161. The board of directors shall convene annually at each of the institutions enumerated in Section six thousand one hundred and fifty-nine (a) at a time to be fixed by such board and at such other times as it shall appoint, and investigate the administration and condition of said institutions."

Board of directors to meet annually at each institution.

Duties of board.

SEC. 6. That the said board of directors is hereby authorized and given full power to meet and organize and from their number select a chairman and to elect a secretary who may or may not be a member of the board.

Organization of board.

SEC. 7. That the board of directors is hereby authorized and given full power to employ a general superintendent of mental hygiene and prescribe his duties and fix his salary. The said superintendent shall be a person of demonstrated executive ability and a doctor of medicine who shall have had special education, training and experience in psychiatry and in the treatment of mental diseases, and he shall be a person of good character and otherwise qualified to discharge his duties. He shall be employed for a period of two years from and after the date of his selection, unless sooner removed therefrom by the board for incompetence or misconduct. He shall devote his full time to the duties of his employment and shall hold no office except that he shall serve as secretary to the board of directors, if the board so orders.

Board to employ superintendent of mental hygiene, prescribe duties and fix his salary.

Qualifications of superintendent.

Term of employment of superintendent.

The board of directors shall provide the said superintendent with such stenographic and clerical assistance as it may deem necessary. The salary of said superintendent and the expenses incident to equipping and maintaining his office, including stenographic and clerical assistance, shall be paid out of the appropriations made to the several institutions herein mentioned and on such pro rata basis as the board of directors shall in their judgment fix and determine. Upon the request of the board of directors the State Board of Public Buildings and Grounds shall provide suitable office space in the City of Raleigh for said superintendent.

Clerical assistance to be provided superintendent.

Payment of salary of superintendent and expenses of his office.

Office space for superintendent.

Board authorized to employ business manager.

Duties of business manager.

Qualifications.

Supervision of fiscal management and physical properties.

Personnel or employees responsible to business manager.

Business manager employed for two-year period.

Clerical assistance to be provided business manager.

Payment of salary of business manager and expenses of his office.

Office space for business manager.

Monthly reports to general superintendent of mental hygiene.

SEC. 7½. That the board of directors is hereby authorized and given full power to employ a general business manager for the institutions enumerated in Section six thousand one hundred and fifty-nine (a), and to fix his salary. Subject to the supervision, direction and control of the board of directors, the said general business manager shall perform the duties set out in this section and all other duties which the board of directors may prescribe. The said general business manager shall be a person of demonstrated executive and business ability who shall have had training and experience in fiscal administration and in the management of physical plants, properties and equipment of public institutions or comparable enterprises, and he shall be a person of good character and otherwise qualified to discharge his duties. Under the direction of said board, said general manager shall have full supervision over the fiscal management and over the management and control of the physical properties and equipment of the institutions enumerated in Section six thousand one hundred and fifty-nine (a). All personnel or employees of said institutions engaged in any aspect of the business management or supervision of the properties or equipment of any of said institutions shall be responsible to and subject to the supervision and direction of said general business manager with respect to the performance or exercise of any duties or powers of business management or financial administration.

The said general business manager shall be employed for a period of two years from and after the time of his selection, unless sooner removed by the board for incompetence or misconduct. He shall devote his full time to the duties of his employment and shall hold no other office or position of employment.

The board of directors shall provide the said general business manager with such stenographic and clerical assistance as it may deem necessary. The salary of said business manager and the expenses incident to equipping and maintaining his office, including stenographic and clerical assistance, shall be paid out of the appropriations made to the several institutions hereinbefore mentioned and on such pro rata basis as the board of directors shall in its judgment fix and determine. Upon the request of the board of directors the State Board of Public Buildings and Grounds shall provide suitable office space in the City of Raleigh for said general business manager in conjunction with the office space provided for the general superintendent of mental hygiene hereinbefore provided for.

SEC. 8. That the superintendent of each of said institutions shall make monthly reports to the general superintendent of mental hygiene in such manner and detail as the board of directors may prescribe.

SEC. 9. That the board of directors shall at their first meeting select from their number for each of said institutions an executive committee of at least three members. The duties of the executive committees shall be prescribed by the board.

Executive committee for each institution.

SEC. 10. That the board of directors shall make all necessary by-laws and regulations for the government of each of said institutions.

By-laws.

SEC. 11. That for the purpose of advising with and counseling, and, if need be, of treating patients on furlough or parole from any of said institutions, and serving such other citizens of the State, in the need of psychiatric advice or guidance, as may be referred thereto by a physician or any local governmental welfare or health department, the board of directors shall be empowered to establish as soon as practicable a system of outpatient mental hygiene clinics under the supervision of the superintendent of mental hygiene. Said clinics shall be held at each of the institutions enumerated in Section six thousand one hundred and fifty-nine (a). The superintendents of each of said institutions shall designate one or more members of his staff to conduct or assist in conducting said clinics. Additional outpatient clinics may be held at the medical schools within the State and at community and public hospitals on such conditions as the board of directors and the medical schools and said hospitals may fix and determine.

Outpatient mental hygiene clinics.

SEC. 12. That the members of the board of directors shall be paid the sum of seven dollars (\$7.00) per day and actual expenses while engaged in the discharge of their official duties.

Compensation of board of directors.

SEC. 13. The board of directors provided for in Section six thousand one hundred and fifty-nine (a) as rewritten in Section two of this Act shall be known and designated as "North Carolina Hospitals Board of Control."

Title of board of directors.

SEC. 14. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 15. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 18th day of February, 1943.

H. B. 194

CHAPTER 137

AN ACT TO ALLOW THE ARRESTING OFFICERS OF WILKES COUNTY A FEE FOR THE CAPTURE OF ILLEGALLY POSSESSED OR ILLEGALLY TRANSPORTED TAXPAID LIQUOR.

*The General Assembly of North Carolina do enact:*

Fees of arresting officers of Wilkes County for capture of illegally possessed or transported tax paid liquor.

SECTION 1. That any arresting officer of Wilkes County who shall capture any illegally possessed or illegally transported taxpaid liquor, which is confiscated and sold, shall receive the following fees from the proceeds of such sale:

If the amount realized from the sale of such liquor is more than twenty-five dollars (\$25.00), but not more than fifty dollars (\$50.00): five dollars (\$5.00);

If the amount realized from the sale of such liquor is more than fifty dollars (\$50.00), but not more than one hundred dollars (\$100.00): ten dollars (\$10.00);

If the amount realized from the sale of such liquor is more than one hundred dollars (\$100.00), but not more than two hundred dollars (\$200.00): fifteen dollars (\$15.00);

If the amount realized from the sale of such liquor is more than two hundred dollars (\$200.00), but not more than three hundred dollars (\$300.00): twenty dollars (\$20.00);

If the amount realized from the sale of such liquor is more than three hundred dollars (\$300.00), but not more than four hundred dollars (\$400.00): twenty-five dollars (\$25.00);

If the amount realized from such sale is more than four hundred dollars (\$400.00): thirty dollars (\$30.00).

Provision for division of fees.

SEC. 2. That if more than one arresting officer participates in the capture of any such illegally possessed or illegally transported taxpaid liquor, the fee allowed in Section one of this Act shall be divided proportionately among all those who so participate.

Application of Act.

SEC. 3. That this Act shall apply only to Wilkes County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

H. B. 213

## CHAPTER 138

AN ACT TO AMEND SECTION SIXTY-FIVE (a) OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, AS AMENDED, PROVIDING FOR PAYMENT TO CLERK OF SUMS NOT EXCEEDING THREE HUNDRED DOLLARS (\$300.00) DUE INTESTATE, TO INCLUDE IN COUNTIES THEREIN PROVIDED FOR THE COUNTY OF WILKES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section sixty-five (a) of the Consolidated Statutes of one thousand nine hundred and twenty-four, as amended, is hereby further amended by striking out the period at the end of the section and inserting in lieu thereof a comma, and by adding after the comma the word "Wilkes," it being the intent and purpose of the General Assembly to include Wilkes County within the provisions of Section sixty-five (a) which provides for the payment of sums not exceeding three hundred dollars (\$300.00) due and owing to one dying intestate into the hands of the clerk of the Superior Court, whose receipt for same shall be complete release from such debt or debts due the intestate.

C. S. 65(a),  
vol. 3, amended  
to apply to  
Wilkes County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

H. B. 313

## CHAPTER 139

AN ACT TO AMEND SECTION FOUR OF ARTICLE II OF THE CHARTER OF THE TOWN OF MORGANTON, RELATING TO THE COMPENSATION OF ALDERMEN OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Article II of the Charter of the Town of Morganton, being Chapter one hundred and four of the Private Laws of one thousand nine hundred and thirteen, as amended, be, and the same is hereby, amended by striking out the compensation provided therein to be paid the aldermen of the said town, and substituting in lieu thereof the following:

Sec. 4, Art. II,  
Charter of Town  
of Morganton,  
amended.

"That the aldermen of the said town shall each receive five dollars (\$5.00) for each and every regular meeting of the town council attended by them, and two dollars (\$2.00) for

Compensation of  
Aldermen of  
Town of  
Morganton.

any called or special meeting: Provided, however, that in no event shall the compensation to be paid each of the aldermen exceed seven dollars (\$7.00) per month."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

## H. B. 357

## CHAPTER 140

### AN ACT CREATING FIVE DISTRICTS FOR THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

For nomination of members of Board of Education of Cumberland County, county divided into five districts.

Limits of such districts.

SECTION 1. That for the purpose of the nomination of the members of the Board of Education of Cumberland County, the said county is hereby divided into five districts to be numbered and designated as follows:

(a) District number one shall be composed of Cross Creek Township.

(b) District number two shall be composed of Grays Creek, Rockfish and Pearce's Mill Townships.

(c) District number three shall be composed of Seventy-First, Manchester and Carver's Creek Townships.

(d) District number four shall be composed of Black River and Eastover Townships.

(e) District number five shall be composed of Cedar Creek and Bever Dam Townships.

Method of nomination and election of members of Board of Education.

SEC. 2. That at the convention or primary election for the nomination of county officers and members of the General Assembly to be held in the year one thousand nine hundred and forty-six, and biennially thereafter, there shall be nominated by each political party one member of the board of education from district number one, and at said convention or primary election to be held in the year one thousand nine hundred and forty-eight and biennially thereafter, there shall be nominated by each political party one member of the board of education from districts numbers two, three, four, and five designated in Section one of this Act. The candidates from each respective district shall be voted on by the qualified voters of Cumberland County and the candidate from each respective district who shall receive the largest number of votes shall be

declared to be the nominee of his party duly nominated as the candidate from said district for membership upon the County Board of Education of Cumberland County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

## H. B. 334 CHAPTER 141

### AN ACT TO EXTEND THE TERM OF OFFICE OF THE REGISTER OF DEEDS OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The term of office of the Register of Deeds of Carteret County is hereby enlarged and extended, and he shall hold said office until the first Monday in December, one thousand nine hundred and forty-six, or until his successor is elected and qualified. Term of office of Register of Deeds of Carteret County extended.

SEC. 2. At the general election for the year one thousand nine hundred and forty-six, and quadrennially thereafter, there shall be elected in Carteret County by the qualified voters thereof a register of deeds, who shall serve for a term of four years from the first Monday in December, one thousand nine hundred and forty-six, or until his successor is elected and qualified. Register of Deeds of Carteret County to be elected in 1946 and quadrennially thereafter.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

## H. B. 340 CHAPTER 142

### AN ACT TO PROVIDE FOR CHARGING AGAINST THE VARIOUS FUNDS BENEFITED THEREBY THE COSTS OF TAX LISTING, TAX COLLECTION AND AUDITING, AND TO RELIEVE THE GENERAL FUND OF AVERY COUNTY OF THIS EXPENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. From and after the ratification of this Act, the costs of supervising the listing of taxes, the listing of taxes, the collection of taxes, the auditing of the various funds of the Costs of listing and collection of taxes, etc., of Avery County to be charged against certain funds on pro rata basis.

county and supplies for the offices of tax collector, tax supervisor, and auditor shall be borne by, and charged against, the various funds that receive the benefit of tax collections on a pro rata basis and shall no longer be paid entirely from the general fund of the county.

Application  
of Act.

SEC. 2. This Act shall apply to Avery County only.

Conflicting  
laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

## H. B. 341

## CHAPTER 143

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF JONESBORO.

*The General Assembly of North Carolina do enact:*

Sec. 14, Ch. 300,  
Public Local and  
Private Laws,  
1941, rewritten.

SECTION 1. That Section fourteen of Chapter three hundred of the Public-Local and Private Laws, Session of one thousand nine hundred and forty-one, be amended by striking out all of Section fourteen in said Act and inserting in lieu thereof the following:

Candidates for  
Mayor or Board  
of Commissioners  
of Town of  
Jonesboro.

“SEC. 14. Any qualified elector of the town shall be eligible to run in the general town election as a candidate for mayor, or the board of commissioners of said town by filing a written notice with the secretary to the board ten days before said election, stating his intentions and the office for which he seeks election.”

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

H. B. 378

CHAPTER 144

AN ACT TO AUTHORIZE AND EMPOWER PITT COUNTY AND THE CITY OF GREENVILLE, LOCATED WITHIN SAID COUNTY, TO INVOKE THE RIGHT OF EMINENT DOMAIN FOR THE PURPOSE OF ACQUIRING LAND TO ENLARGE AND EXTEND THE COUNTY-CITY AIRPORT LOCATED WITHIN PITT COUNTY, AND TO PRESCRIBE THE PROCEDURE THEREFOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of this Act the term "petitioner or petitioners" wherever used shall mean and have reference to Pitt County and the City of Greenville, a municipal corporation located within Pitt County.

"Petitioner or petitioners" used herein refers to Pitt County and City of Greenville.

SEC. 2. The right of eminent domain may, under the provisions of this chapter, be exercised jointly by Pitt County and the City of Greenville, a municipal corporation located within Pitt County, for the purpose of acquiring land to enlarge and extend the boundaries of the County-City Airport located near the City of Greenville in Pitt County, and which involves a public use or benefit.

Pitt County and City of Greenville permitted jointly to exercise right of eminent domain to enlarge County-City Airport.

SEC. 3. It shall be lawful for Pitt County and the City of Greenville, and their duly authorized agents, servants and employees to enter upon any land desired for the purpose of enlarging and extending\* the boundaries of the County-City Airport and to survey and lay out the same.

County and city may survey and lay out land desired for airport.

SEC. 4. If the petitioners are unable to agree with the owner or owners of said land for the purchase of any land required for the purpose specified in this chapter, and the governing bodies of each shall pass a resolution ordering said land to be condemned, stating therein that said land is necessary for the purpose of enlarging and extending the boundaries of the said County-City Airport, the said petitioners shall have the right to acquire title to the same by special proceeding as herein prescribed.

May acquire title by condemnation.

SEC. 5. For the purpose of acquiring such title, the petitioners may present a petition to the Clerk of the Superior Court of Pitt County, praying for the appointment of three commissioners of appraisal. Such petition shall be signed and verified according to the rules and practice of such court. It shall contain a description of the land to be acquired, the purpose for which it is desired, and state that said land is necessary for the purpose of enlarging and extending the boundaries of said airport, and that the parties have been unable to agree upon a price for said land. The petition shall also state the names of the owners of said land, and all other persons, so far as the same can by reasonable diligence be ascertained, who have any inter-

Procedure for acquiring title by condemnation. Petition in Superior Court.

Contents of petition.

Summons and petition to be served on all persons whose interests affected by proceeding.

est, claim, or right thereto. If any such person is under any legal disability, that fact shall be stated. A summons as in other cases of special proceedings, together with a copy of the petition, must be served on all persons whose interests are to be affected by the proceeding at least ten days prior to the hearing of the same by the court.

Process as in other special proceedings.

SEC. 5. In all special proceedings instituted under this chapter, the issuance and service of all summons, orders, notices and other papers, shall be made as in other special proceedings.

Persons interested may oppose condemnation.

SEC. 6. At any time within ten days after the completion of the service of summons, all persons whose estate is or interests are to be affected by the proceedings may answer, or otherwise plead to the petition and show cause against granting the prayer of the same, and may disprove any of the facts alleged. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order appointing three disinterested and competent freeholders who reside in Pitt County, or if the parties demand it, who reside within some county adjacent to Pitt County, and shall fix the time and place for the first meeting of the commissioners.

Provision for appointment of commissioners.

Commissioners to take oath.

SEC. 7. The commissioners appointed by the court, before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially appraise the lands mentioned in the petition. They shall view the land described in the petition, hear the proofs and allegations of the parties, and may reduce any testimony taken by them to writing. Any one of them may issue subpoenas, administer oaths to witnesses, and any two of them may adjourn the proceedings to some fixed future date but for not more than ten days. After the testimony is closed, a majority of them all being present and acting, shall ascertain and determine the compensation which ought justly to be made to the owners of said land appraised by them. They shall make their report to the court within five days in writing.

Powers and duties of commissioners.

Commissioners to make report to court.

Exceptions to report.

SEC. 8. At any time within twenty days after the report of the commissioners is filed, any one of the parties to the proceeding may file exceptions to said report, and upon the determination of the same by the court, any of the parties to the proceeding may appeal to the Superior Court at term, and thence, after judgment, to the Supreme Court. If any of the parties shall demand it, they shall have the amount of compensation assessed by the commissioners and any other questions of fact heard and determined before a jury in the Superior Court. If the said petitioners, upon the filing of the report by the commissioners, shall pay into court the sum appraised by the commissioners, then the petitioners may enter upon, take possession of and hold said land notwithstanding the pendency

Appeal.

Right to trial by jury.

Possession of lands by petitioners.

of the appeal and until final judgment is rendered on said appeal. If there is no appeal, or if the final judgment rendered shall be in favor of the petitioners, then upon the payment by the petitioners of the sum adjudged, together with the costs and counsel fees allowed by the court, into the office of the Clerk of the Superior Court of Pitt County, then and in that event all persons who have been made parties to the proceeding shall be divested and barred of all right, estate and interest in said land, and the title to the same shall thereupon vest in the petitioners. A certified copy of said judgment under the seal of the court shall be registered in Pitt County. If the court shall refuse to condemn the land to the use of the petitioners, the money paid into court, less all costs, shall be refunded to the petitioners, and the land shall be surrendered to the owner or owners. The court, or judge, shall have full power and authority to make such orders and decrees, and issue such executions and other processes as may be necessary to carry into effect the final judgment rendered in such proceedings. If the amount adjudged to be paid to the owner of any land condemned under this chapter shall not be paid within ninety days after final judgment is rendered, the right of the petitioners to take the land shall ipso facto cease and determine, but the petitioners under the judgment shall still remain liable for all amounts adjudged except the consideration for the property.

SEC. 9. Upon the filing of any proceeding under the provisions of this chapter, the clerk of the Superior Court shall index and cross-index the same upon the Lis Pendens record of said court, and thereafter no change of ownership by voluntary conveyance or transfer of title to the land, or any interest therein, shall in any manner affect said proceeding.

SEC. 10. In the event any of the parties to any proceeding instituted under the provisions of this chapter are minors, or are under any legal disability, the clerk of the Superior Court shall, by a proper order, appoint a guardian ad litem for such party or parties, and shall also appoint counsel for said guardian ad litem and fix his compensation therefor.

SEC. 11. In all proceedings instituted in the court under this chapter, unless otherwise specified, the court shall have the power to make all necessary orders and give the proper direction to carry into effect the objects of this chapter.

SEC. 12. If any provision of this chapter is declared unconstitutional or invalid, the constitutionality or validity of the remainder of the chapter shall not be affected thereby.

SEC. 13. It is declared to be the purpose of this chapter to confer rights, powers and duties in addition to those now conferred by law, and nothing in this chapter shall be con-

Title in petitioners on final judgment in their favor and payment of award.

Certified copy of judgment to be registered.

If lands not condemned moneys paid by petitioners into court refunded.

Powers of court.

If amount adjudged not paid within 90 days right of petitioners to land to cease.

Proceeding to be indexed on Lis Pendens record.

Guardian ad litem for minors and persons under legal disability.

Powers of court to make necessary orders.

Partial invalidity section.

Powers herein conferred in addition to existing laws.

strued to repeal, rescind, or abrogate any other law, but the same shall be construed to grant rights, powers and duties in addition thereto.

SEC. 14. This Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of February, 1943.

S. B. 44

## CHAPTER 145

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 157,  
Public Laws,  
1941, rewritten.

SECTION 1. That Section one of Chapter one hundred and fifty-seven of the Public Laws of one thousand nine hundred and forty-one be rewritten to read as follows:

Sec. 9, Ch. 349,  
Public Laws,  
1937, amended.

“SECTION 1. That Section nine of Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the first nine lines of said section and inserting in lieu thereof the following:

Additional court  
costs of \$2.00  
to be collected  
in certain  
criminal cases.

“In every criminal case finally disposed of in the criminal courts of this State, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere and is assessed with the payments of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person, or against such prosecuting witness, as the case may be, two dollars (\$2.00) additional cost to be collected and paid over to the Treasurer of North Carolina and held in a special fund for the purposes of this Act. The local custodian of such costs shall monthly transmit to the State Treasurer, with a statement of the case in which the same has been collected, provided however that the costs assessed under this Act shall not apply to violations of municipal ordinances, unless a warrant is actually issued and served, provided no part of said costs or assessments shall be paid by any county or municipality.”

Paid over to  
State Treasurer.

Local custodian  
to transmit  
funds monthly  
to Treasurer.

Not applicable  
to violation of  
municipal ordi-  
nances where  
no warrant  
issued.

Sec. 2, Ch. 157,  
Public Laws,  
1941, rewritten.

SEC. 2. That Section two of Chapter one hundred and fifty-seven of the Public Laws of one thousand nine hundred and forty-one be rewritten to read as follows:

Sec. 3, Ch. 6,  
Public Laws,  
1939, amended.

“SEC. 2. That Section three, Chapter six, of the Public Laws of one thousand nine hundred and thirty-nine be amended by

striking out all of subsection (a) of said Section three and inserting in lieu thereof the following: "(a) The moneys so received shall annually be set up in a special fund to be known as 'The Law Enforcement Officers' Benefit and Retirement Fund'."

Moneys to be set up in "The Law Enforcement Officers' Benefit and Retirement Fund."

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after March fifteenth, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 19th day of February, 1943.

S. B. 48

### CHAPTER 146

AN ACT TO AMEND SECTION NINE HUNDRED AND FIFTY-SIX OF THE CONSOLIDATED STATUTES, VOLUME ONE, ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ONE HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO REPORTS OF THE CLERK OF THE SUPERIOR COURT OF GREENE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and fifty-six of the Consolidated Statutes, Volume one, one thousand nine hundred and nineteen, as amended by Chapter one hundred and fifty-six of the Public Laws of one thousand nine hundred and thirty-one, be, and the same is hereby amended by adding a proviso at the end thereof, to read as follows: "Provided, that in the event the accounts of the Clerk of the Superior Court of Greene County are audited at least once each year by a certified public accountant employed for that purpose by the board of county commissioners, the annual report required by this section shall not be required of the clerk of the Superior Court of said county."

C. S. 956, amended.

Annual report not required of C. S. C. of Greene County in certain instances.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## S. B. 56

## CHAPTER 147

AN ACT REGULATING THE SALARY OF CLERK OF SUPERIOR COURT OF FORSYTH COUNTY, TO ESTABLISH THE RIGHT TO FEES AND UNALLOCATED INTEREST RECEIVED BY THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY, TO REPEAL CHAPTER FOUR HUNDRED AND NINETY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Salary of C. S. C. of Forsyth County.

SECTION 1. The Clerk of Superior Court of Forsyth County shall be paid a salary of six thousand dollars (\$6,000.00) per year, beginning January first, one thousand nine hundred and forty-three, payable in twelve (12) equal monthly installments, or in twenty-four (24) equal bimonthly installments, at the election of Forsyth County, as full compensation for his services as clerk of the Superior Court, and shall be in lieu of any and all claims by said clerk to any fees and commissions that may come to him by virtue of said office, or by reason of any Public, Public-Local, or Private Act for his services as clerk, and shall be in lieu of any and all claims by said clerk to interest received from investments of unallocated funds, or from any other source whatsoever.

Board of Commissioners of Forsyth County and C. S. C. to make contract as to application of unallocated interest in hands of C. S. C.

SEC. 2. The Board of Commissioners for the County of Forsyth and the Clerk of the Superior Court of Forsyth County are hereby authorized and empowered to enter into a contract and agreement as to the application of the amount of the unallocated interest now in the hands of the clerk of the Superior Court and not now allocated to any particular fund in his hands. This contract and agreement as to the disposition of this fund shall be confined to the settlement of any claims for compensation by the clerk of the Superior Court by reason of having made said investments prior to January first, one thousand nine hundred and forty-three, and to the payment of all unliquidated investments in the office of the Clerk of Superior Court of Forsyth County, made prior to September second, one thousand nine hundred and twenty-nine. The clerk shall continue to make diligent effort to liquidate these investments made prior to September second, one thousand nine hundred and twenty-nine, and any sums so realized shall be turned over to Forsyth County and placed in the contingent fund to be set up as hereinafter provided.

Items to be covered by contract.

Certain fees and income to be paid into general fund of county.

SEC. 3. All fees and income from any source whatsoever, except unallocated interest, which have, or may be earned and collected after January first, one thousand nine hundred and forty-three, shall be paid over to Forsyth County for the benefit of its general fund on the first of each and every month after the ratification of this Act.

SEC. 4. After settlement has been made, as herein provided, the remainder of unallocated interest in the hands of the clerk of the Superior Court shall be immediately paid over to Forsyth County. Thereafter, any unallocated interest collected, together with any funds that may be realized under Section two of this Act shall be turned over to Forsyth County at the end of July, one thousand nine hundred and forty-three, and semiannually thereafter. All such sums paid to Forsyth County under this section shall be set up and held by Forsyth County in a separate fund as a contingent fund, to be applied by it, on sufficient proof shown, to the making of settlement with the creditors of the clerk's office of losses of investments, if any there should be, and any that might arise because of any undue delay in the liquidation of any investments, not due to his negligence, and said Forsyth County shall not be liable beyond the amount of the fund, and said contingent fund shall terminate upon the election and qualification of a clerk of the Superior Court other than the present incumbent, and after the payments as above provided for, if any, the balance of said fund shall belong to Forsyth County for the benefit of its general fund, discharged of the trust. A similar contingent fund shall be set up in the same manner and on the same terms and conditions, and from the same sources, as herein set out, for the use and benefit of all succeeding clerks.

Disposition of unallocated interest.

Application of funds paid to county under this section.

SEC. 5. That Chapter four hundred and ninety-one of the Public-Local Laws of one thousand nine hundred and thirty-five be, and the same is hereby, repealed, together with all laws and clauses of laws in conflict with the provisions of this Act.

Ch. 491, Public-Local Laws, 1935, repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 73

### CHAPTER 148

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, BEING AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD RELATING TO THE BOARD OF CEMETERY COMMISSIONERS FOR THE CITY OF CONCORD, AND THE AMOUNT OF FUNDS TO BE USED FOR THE PERPETUAL UPKEEP AND MANAGEMENT OF OAKWOOD CEMETERY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and ninety-nine of the Private Laws of one thousand nine hundred and twenty-one be, and the same is hereby, amended by striking out Sec-

Sec. 10, Ch. 199, Private Laws, 1921, rewritten.

tion ten of said Act and substituting in lieu thereof the following:

“SEC. 10. That it shall be the duty of the treasurer elected by the Board of Cemetery Commissioners for the City of Concord to pay over to the trustees for the ‘Funds for Perpetual Upkeep of Oakwood Cemetery in the City of Concord’ such percentage of all moneys derived from the sale of lots as the board may, from time to time, designate, but such percentage shall never be less than is necessary for the proper management of said cemetery, and to deposit the remainder of said proceeds from sales of lots, as aforesaid, in some bank in the City of Concord, approved by the board, to be paid out for current expenses and upkeep of Oakwood Cemetery upon the order of the board, who shall meet monthly to audit bills and accounts, and said treasurer shall pay out none of the said moneys except upon a check signed by the mayor and countersigned by the clerk of said board.”

Application of proceeds of sale of lots in Oakwood Cemetery in City of Concord.

Ch. 199, Private Laws, 1921, amended.

SEC. 2. That Chapter one hundred and ninety-nine of the Private Laws of one thousand nine hundred and twenty-one is further amended by inserting between Section ten and Section eleven of said Act a new section, to be designated as Section ten (a), to read as follows:

“SEC. 10 (a). The treasurer shall serve for a term of one year and shall give a bond in the sum of one thousand dollars (\$1,000.00), to be approved by the board.”

Term of Treasurer elected by Board of Cemetery Commissioners of City of Concord; bond required.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 80

## CHAPTER 149

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS IT RELATES TO THE LIBRARY BOARD OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section ninety-four of Chapter one hundred and twenty-one of the Private Laws of one thousand nine hundred and thirty-one be, and the same is hereby, amended by striking out said section and inserting in lieu thereof the following:

Sec. 94, Ch. 121, Private Laws, 1931, rewritten.

"SEC. 94. The Library Board of the City of Asheville shall be an administrative agency of said city and shall have general supervision and control of the public libraries maintained in and by said city. Said board shall consist of six members to be elected by the city council. Five of the members of said board shall be residents of the City of Asheville and one member shall be a resident of Buncombe County residing outside the corporate limits of the City of Asheville. At the first regular meeting of the city council, after the third Monday in May, one thousand nine hundred and forty-three, six members of said board shall be elected, three to serve for a period of four years, and three for a period of two years. Thereafter, the city council, at its first regular meeting after the third Monday in May next following each election of a city council, shall elect three members to serve for a period of four years. Vacancies occurring on said board shall be filled by the city council for the unexpired term of the incumbent."

Scope of authority of Library Board of City of Asheville.

Board to consist of 6 members elected by city council.

Election of members of Board.

Vacancies.

SEC. 2. This Act shall be in full force and effect from and after the second Tuesday in May, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 19th day of February, 1943.

S. B. 81

## CHAPTER 150

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO APPOINT SOMEONE OTHER THAN THE REGISTER OF DEEDS AS CLERK TO THE SAID BOARD OF COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Wilson County may, in its discretion, designate some official of Wilson County, other than the register of deeds, to act as clerk to the said board of commissioners. Such official shall perform such duties ex officio and shall receive such additional compensation as the said board of commissioners, in its discretion, shall fix. In the event that the Board of Commissioners of Wilson County exercises this discretion, all present records and minutes which have heretofore been kept by the register of deeds as ex officio clerk, shall remain in the custody of the register of deeds. All future records and minutes shall be kept in the custody of such person as may be appointed clerk.

Provision for appointment of Clerk of Board of Commissioners of Wilson County.

Compensation of Clerk to be fixed.

Provision for custody of records and minutes.

SEC. 2. Whenever it is necessary to certify any copies of existing and present minutes and records or future minutes or records, the person so appointed shall execute such certificate, and such certificate shall have the same force and effect as if made by the register of deeds.

Certification of minutes or records.

Seal.

SEC. 3. The Board of Commissioners of Wilson County is hereby authorized to adopt a seal for such person as may be appointed clerk to the board of commissioners, which shall be used in lieu of the seal of the register of deeds.

Register of  
Deeds may be  
designated clerk  
to Board.

SEC. 4. The Board of Commissioners of Wilson County, in its discretion, may hereafter, by resolutions, designate the register of deeds as ex officio clerk to said board in lieu of the official who may be designated under this Act.

Conflicting  
laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 92

## CHAPTER 151

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-SEVEN OF THE PRIVATE LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND SEVEN NULLIFYING THE COLLECTION OF TAXES LEVIED FOR THE YEARS ONE THOUSAND NINE HUNDRED AND THIRTY TO ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, INCLUSIVE, FOR THE CANTON GRADED SCHOOL DISTRICT.

Preamble:

Canton Graded  
School District  
established by  
Ch. 237, Private  
Laws, 1907.  
Support  
provided.

WHEREAS, by Chapter two hundred and thirty-seven of the Private Laws of one thousand nine hundred and seven the Canton Graded School District was established and the Board of Aldermen of the Town of Canton was authorized to levy and collect taxes for the support of the schools in said district; and

Canton Graded  
School District  
enlarged under  
authority of Ch.  
136, Public Laws,  
1923, to embrace  
territory outside  
Town of Canton.

WHEREAS, Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, as amended, authorized the enlargement of special chartered school districts, and pursuant to said Act the Canton Graded School District was enlarged so as to embrace certain contiguous territory outside of the corporate limits of the Town of Canton; and

Taxes levied for  
enlarged district  
for years 1930  
to 1934.

WHEREAS, under an election duly held in the proposed new district, the said special chartered district was enlarged and the Board of Aldermen of the Town of Canton levied taxes for the enlarged district for the years one thousand nine hundred and thirty to one thousand nine hundred and thirty-four, inclusive, and that pursuant to general laws the County of Haywood assumed the bonded indebtedness of the Canton Graded School district and the maintenance thereof for which the special chartered district was liable, and that the Board of

County of Hay-  
wood assumed  
bonded indebted-  
ness of said  
school district.



Salary of Prosecuting Attorney of Recorder's Court of Reidsville Township.

and thirty-nine, be amended by striking out the words "one hundred twenty-five" in lines five and six thereof and substituting in lieu thereof the words "one hundred fifty," it being the intent and purpose of this amendment to increase the maximum monthly salary of the Prosecuting Attorney of the Recorder's Court of Reidsville Township from one hundred and twenty-five dollars (\$125.00) to one hundred and fifty dollars (\$150.00).

Certain salary payments validated.

SEC. 3. Any payments of salaries since July first, one thousand nine hundred and forty-two, to said judge or prosecuting attorney not exceeding the maximums provided for in Sections one and two of this Act are hereby validated.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 101

## CHAPTER 153

### AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO EMPLOY AND REGULATE THE SALARIES OF DEPUTY CLERKS OF THE SUPERIOR COURT AND OF OTHER CLERICAL EMPLOYEES.

*The General Assembly of North Carolina do enact:*

Employment of Deputy Clerks of Superior Court and other assistants in Rockingham County.

SECTION 1. The Board of County Commissioners of Rockingham County is hereby empowered, in its discretion, to provide for the employment of one or more deputy clerks of the Superior Court and such other clerical assistants as it may deem proper, and to fix and regulate the salaries therefor, to be paid from the general fund of the county. This power shall be in addition to any other powers or provisions for salaries now provided by law for the operation and maintenance of the office of the Clerk of the Superior Court of Rockingham County.

Salaries to be fixed.

Powers herein conferred in addition to existing laws.

Bond premiums.

SEC. 2. That the county commissioners shall pay the premiums on all bonds required of the clerk of the Superior Court, deputy clerks or other employees, which bonds are conditioned upon their faithful performance of their duties.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 128

CHAPTER 154

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF NINETEEN HUNDRED AND ELEVEN AND ACTS AMENDATORY THERETO, GIVING THE CANTON POLICE COURT JURISDICTION OVER PROPERTY OWNED BY THE TOWN OF CANTON IN HAYWOOD COUNTY AND OUTSIDE THE CORPORATE LIMITS OF THE TOWN OF CANTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and sixty-eight of the Public-Local Laws of nineteen hundred and eleven be amended as follows: That the police court of the Town of Canton shall have the jurisdiction and powers in all criminal offenses occurring in or on property owned, leased, or under the control of the Town of Canton in Haywood County, which may be outside of the corporate limits of the Town of Canton, and said court is hereby granted the same powers and jurisdictions on such properties owned or under the control of the Town of Canton which may be outside of the corporate limits of said town to the same effect as to jurisdiction and powers as if said properties were within the corporate limits of the Town of Canton and the offense had been committed within said corporate limits.

Ch. 368, Public-Local Laws, 1911, amended.

Police court of Town of Canton given jurisdiction over criminal offenses committed on certain property outside corporate limits.

SEC. 2. That the police officers of the Town of Canton shall have the same jurisdiction and powers upon properties of the Town of Canton outside of the corporate limits of said town as they have within said corporate limits, and shall have the power to transport any person arrested for an offense upon said properties to the municipal jail of Canton or to the common jail of Haywood County to the same effect as if said person or persons were being transported wholly within the corporate limits of said town.

Additional jurisdiction granted police officers of Town of Canton.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## S. B. 131

## CHAPTER 155

AN ACT TO CHANGE THE NAME OF "TOWN OF ALBEMARLE," SET FORTH IN CHAPTER THREE HUNDRED AND EIGHTY-FOUR OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, TO "CITY OF ALBEMARLE," AND PROVIDE FOR THE COMPENSATION OF THE COMMISSIONERS OF SAID CITY.

*The General Assembly of North Carolina do enact:*

Name of "Town of Albemarle" changed to "City of Albemarle."

SECTION 1. That the name of the municipality known as the "Town of Albemarle," Stanly County, North Carolina, as set forth in Chapter three hundred and eighty-four of Private Laws of one thousand nine hundred and eleven be changed to "City of Albemarle," and that henceforth the official name of said municipality shall be "City of Albemarle."

Sec. 22, Ch. 384, Private Laws, 1911, amended.

SEC. 2. That that portion of Section twenty-two of Chapter three hundred and eighty-four of Private Laws of one thousand nine hundred and eleven, relating to the compensation of the Board of Commissioners of the City of Albemarle be amended to read as follows:

Compensation of Board of Commissioners to be fixed by said Board and Mayor. Limitation of salary.

"The compensation of each member of the Board of Commissioners of the City of Albemarle may be fixed by the board and the mayor at such amount as they may deem reasonable for services rendered, not exceeding the sum of three hundred dollars (\$300.00) per year."

Act applies to compensation of Commissioners elected in 1943 and thereafter.

SEC. 3. This amended Act shall apply to the compensation of the board of commissioners who shall be elected at the election held in the said city in May, one thousand nine hundred and forty-three, and each two years thereafter: Provided, however, the compensation of the future board to be elected May, one thousand nine hundred and forty-three, shall be fixed by the mayor and the present board and the compensation of each succeeding board shall be fixed by the mayor and the preceding board.

Compensation of each succeeding board to be fixed by preceding board.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act, be, and the same are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 133

## CHAPTER 156

AN ACT RELATING TO THE TERM OF OFFICE OF THE TREASURER OF MECKLENBURG COUNTY, AND THE SALARIES OF THE REGISTER OF DEEDS, CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, AND THE COLLECTOR OF REVENUE OF MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The treasurer now holding said office in Mecklenburg County shall serve in such capacity until the first Monday in December, one thousand nine hundred and forty-four. At the general election in the year one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be elected in Mecklenburg County by the qualified voters thereof, as provided for the election of members of the General Assembly, a treasurer who shall serve for a term of four years and until his successor is elected and qualified.

Term of office of present Treasurer of Mecklenburg County.

Treasurer to be elected in 1944 and quadrennially thereafter.

SEC. 2. The salary of the Register of Deeds for Mecklenburg County shall be four thousand two hundred dollars (\$4,200.00) per year, payable in equal monthly instalments.

Salary of Register of Deeds of Mecklenburg County.

SEC. 3. The salary of the Chairman of the Board of County Commissioners of Mecklenburg County shall be four thousand two hundred dollars (\$4,200.00) per year, payable in equal monthly instalments.

Salary of Chairman of Board of County Commissioners.

SEC. 4. The salary of the Collector of Revenue of Mecklenburg County shall be fixed and determined by the board of county commissioners of said county, provided, however, said salary shall not exceed three hundred dollars (\$300.00) per month.

Salary of Collector of Revenue.

SEC. 5. Each member of the Board of County Commissioners of Mecklenburg County, other than the chairman of said board, shall receive a salary of fifty dollars (\$50.00) per month, and in addition thereto, each member shall be paid mileage at the rate of five cents (5¢) per mile from their places of residence to the county courthouse and return in attending the meetings of said board of county commissioners.

Compensation of Board of County Commissioners other than chairman.

SEC. 6. The salaries herein fixed shall be effective as of July first, one thousand nine hundred and forty-three.

Salaries effective July 1, 1943.

SEC. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

S. B. 140

CHAPTER 157

AN ACT TO REPEAL CHAPTER FORTY-THREE OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE, THIS BEING AN ACT TO REPEAL THE CHARTER OF THE TOWN OF MOORESBORO.

*The General Assembly of North Carolina do enact:*

Ch. 43, Private Laws, 1885, repealed.

SECTION 1. That Chapter forty-three of the Private Laws of one thousand eight hundred and eighty-five of the State of North Carolina, the same being "An Act to incorporate the Town of Mooresboro, in the County of Cleveland," be, and the same is hereby, repealed; and the corporate existence of said town is hereby dissolved.

Corporate existence of Town of Mooresboro dissolved.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after May first, one thousand nine hundred and forty-three.

Ratified this the 19th day of February, 1943.

S. B. 153

CHAPTER 158

AN ACT TO PROVIDE FOR THE STAGGERING OF THE TERMS OF COUNTY COMMISSIONERS IN MONTGOMERY COUNTY, AND TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS FOR A PERIOD OF FOUR YEARS, AND TO FURTHER EXTEND THE TERM OF COUNTY COMMISSIONER D. J. McLEOD, AND TO FIX THE SALARY OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Term of office of Montgomery County Commissioner D. J. McLeod.

SECTION 1. That Montgomery County Commissioner, D. J. McLeod, elected at the general election held in the year one thousand nine hundred and forty-two, shall hold office for a term of four years and until his successor is elected at the general election to be held in the year one thousand nine hundred and forty-six.

Two county commissioners to be elected in 1944 and quadrennially thereafter.

SEC. 2. That at the general election to be held in the year one thousand nine hundred and forty-four and quadrennially thereafter, there shall be elected by the qualified voters of Montgomery County, two county commissioners for a term of four years from the first Monday in December after their election, or until their successors are elected and qualified, and that at the general election for the year one thousand nine

hundred and forty-six and quadrennially thereafter, there shall be elected by the qualified voters of Montgomery County, one county commissioner for a term of four years from the first Monday in December after his election or until his successor is elected and qualified.

One county commissioner to be elected in 1946 and quadrennially thereafter.

SEC. 3. That the County Commissioners of Montgomery County shall receive a salary of twenty-five dollars per month, which shall be in lieu of all per diem and mileage compensation for the attendance at regular and call meetings of said board. That the compensation provided in this Act shall be the sole compensation for said commissioners.

Compensation of county commissioners.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 40

## CHAPTER 159

AN ACT TO ALLOW INSTRUMENTS TO BE PROVED OR ACKNOWLEDGED BEFORE CERTAIN ARMY, NAVY, COAST GUARD, MARINE, AND MERCHANT MARINE OFFICERS, AND TO VALIDATE SUCH PROOFS OR ACKNOWLEDGMENTS HERETOFORE TAKEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the first sentence of Section three thousand two hundred and ninety-four of Volume one of Consolidated Statutes of one thousand nine hundred and nineteen, is hereby rewritten to read as follows:

C. S. 3294 amended.

"3294. Officials of the United States, foreign countries, and sister states. The execution of all such instruments and writings as are permitted or required by law to be registered may be proved or acknowledged before any one of the following officials of the United States, of the District of Columbia, of the several states and territories of the United States, of countries under the dominion of the United States and of foreign countries: Any judge of a court of record, any clerk of a court of record, any notary public, any commissioner of deeds, any commissioner of oaths, any mayor or chief magistrate of an incorporated town or city, any ambassador, minister, consul, vice-consul, consul general, vice-consul general, or commercial agent of the United States, any justice of the peace of any state or territory of the United States, any officer of the Army of the United States or United States Marine Corps having the rank of captain or higher, any officer of the United States Navy or Coast Guard having the rank of lieutenant, senior

Persons authorized to take acknowledgments of instruments to be registered.

grade, or higher, or any officer of the United States Merchant Marine having the rank of lieutenant, senior grade, or higher. No official seal shall be required of said military, naval or merchant marine official, but he shall sign his name, designate his rank, and give the name of his ship or military organization and the date, and for the purpose certifying said acknowledgment, he shall use a form in substance as follows:

No seal required in certain instances.

Information required of certain officials.

Form of certificate.

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ before me \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that \_\_\_\_ he \_\_\_\_ executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

-----  
Signature of Officer

-----  
Rank of Officer and command to which attached.”

Certain acknowledgments by certain officers declared valid.

SEC. 2. That in all cases where instruments and writings have been proved or acknowledged before any officer of the Army of the United States or United States Marine Corps having the rank of captain or higher, before any officer of the United States Navy or Coast Guard having the rank of lieutenant, senior grade, or higher, or any officer of the United States Merchant Marine having the rank of lieutenant, senior grade, or higher, such proofs or acknowledgments, where valid in other respects, are hereby ratified, confirmed and declared valid.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 41

## CHAPTER 160

## AN ACT TO ALLOW THE TAKING OF DEPOSITIONS BY OFFICERS OF THE UNITED STATES ARMY, NAVY, COAST GUARD, MARINE CORPS, AND MERCHANT MARINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the second paragraph of Section one thousand eight hundred and nine of Volume one of Consolidated Statutes of one thousand nine hundred and nineteen, is hereby rewritten to read as follows:

C. S. 1809,  
amended.

“Depositions shall be taken on commission, issuing from the court and under the seal thereof, by one or more commissioners, who shall be of kin to neither party, and shall be appointed by the clerk; or depositions may be taken by a notary public of this State or of any other state or foreign country, or any commissioner of oaths or commissioner of deeds of any foreign country, or by any officer of the Army of the United States or Marine Corps having the rank of captain or higher, by any officer of the United States Navy or United States Coast Guard having the rank of lieutenant, senior grade, or higher, or by any officer of the United States Merchant Marine having the rank of lieutenant, senior grade, or higher, without a commission issuing from the court. No official seal shall be required of said military or naval officials, but they shall sign their name, designate rank, name of ship or military division, and date, without a commission issuing from the court.”

Persons au-  
thorized to take  
depositions.

No seal re-  
quired in certain  
instances.

SEC. 2. In all instances in which depositions have been taken by an officer of the armed forces as provided in Section one hereof, the same are hereby validated as though taken pursuant to the provision of this Act.

Depositions  
heretofore taken  
by certain offi-  
cials validated.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## H. B. 131

## CHAPTER 161

AN ACT TO PROVIDE FOR THE APPOINTMENT, SALARY AND DUTIES OF AN ASSISTANT SOLICITOR FOR THE TWELFTH JUDICIAL DISTRICT TO ASSIST IN THE PROSECUTION OF THE CRIMINAL DOCKET FOR THE SUPERIOR COURT OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Attorney to assist Solicitor in prosecuting criminal docket in Guilford County permitted.

SECTION 1. The Commissioners of Guilford County are hereby authorized and empowered, in their discretion, to appoint a competent attorney of Guilford County to assist the Solicitor of the Twelfth Solicitorial District in the prosecution of the criminal docket of the Superior Court of Guilford County: Provided, that no one shall be appointed assistant solicitor under this Act, unless and until he has first been recommended and nominated for the office by the Solicitor of the Twelfth Solicitorial District. Said solicitor is hereby authorized to designate the duties of the assistant solicitor aforesaid.

Solicitor to designate duties of assistant.

Term of office.

SEC. 2. That the first term of the office shall begin March eighth, one thousand nine hundred and forty-three and end December thirty-first, one thousand nine hundred and forty-three. Future terms of this office shall begin on January first of each year, and end on December thirty-first of said year.

Board of Commissioners of Guilford County may leave office unfilled for any ensuing term.

SEC. 3. That at the end of any term the County Commissioners of Guilford County may, in their discretion, leave the office unfilled for the ensuing term, or any portion thereof; but this provision shall not prevent the commissioners from appointing an assistant solicitor, upon the recommendation and nomination of the solicitor, at any time when the office is unfilled under the provisions of this section; and said appointment shall be for the remainder of the term ending December thirty-first next after said appointment is made.

Assistant Solicitor may thereafter be appointed.

Salary of Assistant Solicitor.

SEC. 4. That the salary of the assistant solicitor shall be fixed by the Board of County Commissioners of Guilford County at a sum not less than two hundred dollars per month, to be paid from the general fund of Guilford County.

Application of Act.

SEC. 5. That this Act shall apply only to Guilford County.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 140

## CHAPTER 162

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE TERMS OF COURT IN AVERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That portion of Section one thousand four hundred and forty-three of Volume one of Consolidated Statutes of one thousand nine hundred and nineteen relating to the terms of court in Avery County is hereby rewritten to read as follows:

C. S. 1443  
amended as to  
terms of court  
in Avery County.

“Avery—Fifth Monday after the first Monday in March, for two weeks, for the trial of both criminal and civil cases; ninth Monday before the first Monday in September, two weeks, for the trial of both civil and criminal cases; sixth Monday after the first Monday in September, for two weeks, for the trial of both criminal and civil cases.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 164

## CHAPTER 163

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY, SECTION THIRTY-EIGHT, OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE AMOUNT OF COMPENSATION PAID TO DEPENDENTS OF A DECEASED EMPLOYEE SO AS TO GIVE THOSE WHO ARE BOTH PARTLY DEPENDENT AND NEXT OF KIN AS DEFINED IN SAID ACT AN ELECTION AS TO BENEFITS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter one hundred and twenty, Section thirty-eight, of the Public Laws of one thousand nine hundred and twenty-nine, is hereby amended by striking out the period at the end of the second sentence and inserting in lieu thereof a colon and adding the following:

Ch. 120, Public  
Laws, 1929,  
being the Work-  
men's Compensa-  
tion Act,  
amended.

Partial dependents who are next of kin allowed election of benefits.

Awards made prior to ratification of this Act not affected.

Conflicting laws repealed.

“Provided, when the partial dependents are all next of kin as defined in Section forty of this Act, as amended, and all so elect, they may receive benefits under Section forty, as amended, instead of under this section.”

SEC. 2. This Act shall not affect awards made prior to the date of its ratification.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## H. B. 168

## CHAPTER 164

AN ACT TO AMEND SECTION ONE OF CHAPTER TWO HUNDRED AND SIXTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, THE SAME BEING ON ACT RELATIVE TO THE DIVISION OF TERRITORY AND TRANSFER OF PATIENTS OF THE STATE HOSPITALS, SO AS TO ALLOW THE AUTHORITIES OF THE STATE HOSPITAL AT MORGANTON IN THEIR DISCRETION TO ADMIT MEMBERS OF THE EASTERN BAND OF CHEROKEE INDIANS.

*The General Assembly of North Carolina do enact:*

Ch. 265, Public Laws, 1929, amended.

SECTION 1. Section one of Chapter two hundred and sixty-five of the Public Laws of one thousand nine hundred and twenty-nine be, and the same hereby is, amended by adding at the end of the first sentence of said section the following proviso:

State Hospital at Morganton may admit members of Eastern Band of Cherokee Indians.

“Provided, authorities of the State Hospital at Morganton, in their discretion, may admit and assign to any ward members of the Eastern Band of Cherokee Indians for hospitalization.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 195

## CHAPTER 165

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, WHICH IS AN ACT TO FIX MINIMUM JAIL FEE FOR TURNKEY FEE FOR THE SHERIFF OF WILKES COUNTY AND TO FIX THE CUSTODY AND MANAGEMENT OF THE JAIL OF WILKES COUNTY, IN ORDER TO RAISE THE FEE THEREIN ALLOWED FOR THE CARE OF PRISONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section two of Chapter four hundred and sixteen of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended to read as follows:

Sec. 2, Ch. 416,  
Public-Local  
Laws, 1939,  
amended.

“SEC. 2. That the County Commissioners of Wilkes County are hereby authorized, empowered, and directed to appropriate from the general funds of said county to the Sheriff of Wilkes County a minimum of sixty cents (60¢) per day for each and every prisoner imprisoned or kept in said jail.”

Minimum jail  
fees in Wilkes  
County  
provided.

SEC. 2. This Act shall apply to Wilkes County only.

Application  
of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 223

## CHAPTER 166

AN ACT TO FIX AGE LIMITS FOR MEMBERSHIP IN THE NORTH CAROLINA STATE GUARD.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section six thousand eight hundred and fifty-nine (a) of the Consolidated Statutes of North Carolina, the same being a new section inserted by Chapter forty-three of the Public Laws of one thousand nine hundred and forty-one, is hereby amended by inserting immediately after the first sentence of Paragraph two of said Section six thousand eight hundred and fifty-nine (a), a new sentence reading as follows:

C. S. 6859 (a)  
amended.

“Membership in the North Carolina State Guard shall be open to men of not less than eighteen and not more than fifty years of age.”

Age limits  
for membership  
in N. C. State  
Guard.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 224

### CHAPTER 167

AN ACT TO AMEND SECTION TWO THOUSAND ONE HUNDRED AND SIXTY-FIVE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA SO AS TO EXCLUDE GUARDIANS, WHOSE BOND IS EXECUTED BY A SURETY COMPANY, FROM THE PROVISIONS OF SAID SECTION.

*The General Assembly of North Carolina do enact:*

C. S. 2165 amended to exclude guardians whose bond is executed by surety company.

SECTION 1. Section two thousand one hundred and sixty-five of Volume one of the Consolidated Statutes of North Carolina be, and the same hereby is, amended by adding to the end of said section a proviso to read as follows:

“Provided, that this section shall not apply to a guardian whose bond is executed by a duly authorized surety company.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 237

### CHAPTER 168

AN ACT TO MAKE THE PROVISIONS OF CHAPTER EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, KNOWN AS “VETERANS EMPLOYMENT PREFERENCE ACT” APPLICABLE TO THE VETERANS OF THE PRESENT WAR.

*The General Assembly of North Carolina do enact:*

Certain provisions of Ch. 8, Public Laws, 1939, made applicable to certain persons who served in present war, their wives, etc.

SECTION 1. That all the provisions for preference rating and preference of employment to citizens who served the State or the United States, honorably in either the Army, Navy, Marine Corps or Nurses' Corps in time of war and to the widows of such veterans and the wives of disabled veterans provided in Chapter eight, Public Laws of one thousand nine hundred and thirty-nine are hereby specifically made applicable to men and women who have served, are now serving, or

shall serve in any branch of the armed services or the Nurses' Corps during the present war, and are honorably discharged from such service, and to the widows of such veterans and the wives of disabled veterans of the present war.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## H. B. 243

## CHAPTER 169

AN ACT TO VALIDATE THE ESTABLISHMENT OF CUMBERLAND COUNTY DRAINAGE DISTRICT NUMBER THREE AND TO VALIDATE THE PROCEEDINGS TAKEN BY THE BOARD OF DRAINAGE COMMISSIONERS OF SAID DISTRICT TO AUTHORIZE REFUNDING BONDS TO REFUND OUTSTANDING BONDS OF SAID DISTRICT AND TO PROVIDE FOR THE PAYMENT OF SUCH REFUNDING BONDS AND THE ADMINISTRATION OF THE AFFAIRS OF SAID DISTRICT.

WHEREAS, the drainage district comprising certain lands in Cumberland County and known as Cumberland County Drainage District Number three was established pursuant to law by an order made by the Clerk of the Superior Court of Cumberland County on or about the seventeenth day of November, one thousand nine hundred and twenty-one, and the board of drainage commissioners of said drainage district has heretofore made certain improvements for the purpose of draining and ditching the lands comprised in said district and changing and draining and improving the natural water courses therein and, for the purpose of financing the cost of said improvements, has issued bonds of the aggregate principal amount of fifty-nine thousand dollars, dated the first day of July, one thousand nine hundred and twenty-six, and payable serially, six thousand dollars of bonds on July first in each of the years one thousand nine hundred and thirty-one to one thousand nine hundred and thirty-nine, inclusive, and five thousand dollars of bonds on July first, one thousand nine hundred and forty, and all of said bonds now outstanding are now owned by the Reconstruction Finance Corporation of the United States; and

Preamble:  
Cumberland County Drainage District Number Three established.

Improvements made.

Certain bonds issued to finance said improvements.

Said bonds now owned by R. F. C.

WHEREAS, amounts required to pay the principal of and interest on said outstanding bonds have heretofore been assessed and levied upon the tracts of land in said district, and a portion of said amounts so assessed has been collected and has been applied to the payment of principal of and interest on said bonds but, because of failure to collect all of such amounts, all

Assessments levied to pay said bonds.

Portion of assessments collected and applied on bonds.

Bonds in default.

of said bonds except two thousand dollars of bonds payable on the first day of July, one thousand nine hundred and thirty-one, together with a substantial amount of interest thereon, are now due and payable and are in default; and

Certain drainage district records lost.

WHEREAS, the drainage record kept by the Clerk of the Superior Court of Cumberland County for the purposes of transcribing and recording the proceedings taken for the establishment of said district and the assessment and levy of the amounts required for the payment of said bonds and the interest thereon has been lost and is not now available to evidence the establishment of said district; and

Boundaries of drainage district as hereinafter set forth accurate.

WHEREAS, the board of drainage commissioners of said district has ascertained from copies of said drainage record heretofore certified by the clerk of said Superior Court that the boundaries of and lands within said district as hereinafter set forth are the boundaries of and lands included in said district as established by said clerk; and

Establishment of said district and proceedings for issuance of said bonds heretofore validated.

WHEREAS, the General Assembly has heretofore, by an Act ratified on the twenty-fifth day of February, one thousand nine hundred and twenty-seven, validated the establishment of said district and the proceedings taken to provide for the issuance of said bonds; and

Adequate record of boundaries of said district and provisions for its administration necessary.

WHEREAS, it is necessary to provide an adequate record of the boundaries of and lands within said district and to provide for the administration of its affairs and the payment of the outstanding bonded indebtedness of the district: Now, therefore,

*The General Assembly of North Carolina do enact:*

Acts of C. S. C. of Cumberland County in establishing said drainage district validated.

SECTION 1. All acts done or proceedings taken by the Clerk of the Superior Court of Cumberland County for the purpose of establishing the drainage district known as Cumberland County Drainage District Number three are hereby ratified and validated, notwithstanding any defect or insufficiency in the petition for the establishment of said district, or in the issuance or service of summons upon owners of property in said district, or in the publication of any notice, or any other failure to comply with any requirements of law relating to or affecting the establishment of such drainage district. Said district as established by said acts and proceedings is hereby declared to be, and shall continue to be, a drainage district comprising the following lands situated in Cumberland County, viz.:

Boundaries of district.

Beginning at an old landing, about one mile below Autryville, just below where Sandy Creek enters South River, and running from that point along and following the various courses of the Southern boundary of the watershed of the aforesaid Sandy Creek, in a Southwesterly direction, about one and one fourth miles to a point where the Southern bound-

ary of said watershed crosses the "Big Gallberry and Autryville Public Road," about five hundred feet Southwesterly from the residence of Mr. J. R. Hall; from thence, following the various courses of the Southern boundary of said watershed in a Northwesterly direction, about two and one half miles to a point about two hundred feet Northward of the residence of Mr. C. C. Harris, and about one mile from Stedman; thence along and following the Southern edge of said watershed, in a Southwesterly direction about two and one half miles to a point near Bethlehem Church; thence, following the various courses of the Southern edge of said watershed in a general Northwestern direction, substantially as shown on the map on file in the office of the Clerk of the Superior Court of Cumberland County, about four and one half miles to where said watershed line crosses the Atlantic and Yadkin Railroad, now called the Atlantic Coast Line Railroad, about two hundred feet Westwardly from the "section house" of said railroad near Vander Station; thence in a Northerly direction substantially as shown on the map on file in the office of the Clerk of the Superior Court of Cumberland County, along the Western boundary of land draining or drainable into said Sandy Creek or its tributaries or basin, about one mile to where said line meets the Fayetteville and Clinton Public Highway, near the residence of Mr. W. W. Horne; thence along and near the said Fayetteville and Clinton Public Highway, following the various courses of the Northern edge of the said Sandy Creek watershed, Easterly about one and three fourths miles to a point where the Northern edge of said watershed leaves the aforesaid public highway; thence, still in a Southeasterly direction as shown on the aforesaid map, following the various courses of the watershed between Sandy Creek and Buck Creek, about one and one half miles to where the Northern line of the Sandy Creek watershed intersects the aforesaid highway, near the head of Long Branch, East of the residence of Mr. H. J. Maxwell; thence following the said Fayetteville and Clinton Highway, which is practically on the watersheds between the aforesaid creeks, in a Southeasterly direction, about one half mile to a point about one thousand feet West of the "Coxbury" Colored Church; thence, still following the watershed, or divide, between the aforesaid Sandy and Buck Creeks, substantially as shown on the said map, in an Easterly direction, about two and one fourth miles to a point Northeast of the McCall (Sr.) residence; thence along the various courses of the watershed or divide between Sandy and Big Creek, and of Sandy Creek and South River, in a Southeasterly direction, about four miles to the confluence of Sandy Creek with South River Swamp; thence across Sandy Creek Swamp to the beginning, containing within the above set out boundaries nine thousand and one hundred (9,100) acres, more or less, as shown by map of the district by F. F. Wetmore showing

the location of canals, roads, railroads, elevations and benchmarks, a photostatic copy of such map being recorded in the office of Register of Deeds of Cumberland County in Book of Maps Number ten at Page fifty-seven and a photostatic copy of such map being filed in the office of Clerk of the Superior Court of Cumberland County, (excepting therefrom tracts numbered: one hundred and three, one hundred and four, one hundred and five and one half, one hundred and fifty-two and one half and one hundred and forty-six to one hundred and sixty-nine inclusive and also that part of tract one hundred and five lying South of a line drawn from the Northeast corner of tract number one hundred and four to the Southeast corner of tract number one hundred and forty-six, the same having been excluded by order entered by the Clerk of the Superior Court of Cumberland County on or about February eighth, one thousand nine hundred and twenty-six), and including, without limiting the generality of the foregoing, tracts numbered: one to twenty-one inclusive, twenty-one and one half, twenty-two to one hundred and two inclusive, one hundred and five (twenty-nine and five tenths acres), one hundred and six to one hundred and forty-five inclusive and one hundred and seventy to two hundred and forty-eight inclusive and two hundred and fifty to two hundred and sixty-five inclusive, as shown by complete map of district by F. F. Wetmore—1925—showing the original tract numbers, the owners thereof, at the time such map was prepared as best could be determined from diligent search of the records and by individual and general inquiry, and the number of acres in the respective tracts, a photostatic copy of such map being recorded in the office of Register of Deeds of Cumberland County in Book of Maps Number ten at Page fifty-eight and a photostatic copy of such last mentioned map being filed in the office of the Clerk of the Superior Court of Cumberland County, and subdivisions of such tracts, and being all of the lands which the board of viewers on or about June twenty-second, one thousand nine hundred and twenty-five found would be benefited by the drainage works and improvements and by changing, draining and improving the natural water courses.

Lands in said district benefited by its establishment and by improvements made by it.

It is hereby determined that all the lands comprised within said boundaries were benefited by the establishment of said district and by the improvements which have been made by said district for the purpose of draining and ditching said lands and changing, draining and improving the natural water courses therein.

Election of R. H. Maxwell, L. D. Averitt and George B. Tarrant as members of board of drainage commissioners validated.

SEC. 2 The election and appointment of R. H. Maxwell, L. D. Averitt and George B. Tarrant, who are now acting as members of the board of drainage commissioners of said district, and the proceedings taken by said board to provide for the issuance of bonds (hereinafter described as "refunding

bonds") of said drainage district, of the aggregate principal amount of thirty-six thousand dollars, dated the first day of September, one thousand nine hundred and forty-two, maturing serially on March first in each of the years one thousand nine hundred and forty-four to one thousand nine hundred and sixty-nine, inclusive, and bearing interest at the rate of four per centum per annum, payable semiannually on March first and September first of each year, for the purpose of refunding said outstanding bonds, are also hereby ratified and validated, notwithstanding any failure to comply with the requirements of law in the authorization of such refunding bonds or any lack of authority for the authorization or issuance of said refunding bonds or for the levy of assessments for the payment of said bonds. Such refunding bonds may be issued in exchange for said outstanding bonds provided the Reconstruction Finance Corporation will surrender for cancellation all of said outstanding bonds and all interest coupons attached to said bonds and evidencing unpaid interest payable thereon. Such exchange shall be effected by the Local Government Commission through the State Treasurer. Said refunding bonds when duly issued in accordance with said proceedings and this Act shall be valid and binding obligations of said drainage district and the full faith, credit and resources of said drainage district are hereby pledged to the payment of said bonds and the interest thereon.

Proceedings taken by board for issuance of certain-refunding bonds validated.

Such refunding bonds permitted to be exchanged for outstanding bonds.

Exchange to be effected by Local Government Commission.

Said refunding bonds, when duly issued, to be valid.

SEC. 3. Notwithstanding any other provisions of law, said R. H. Maxwell shall serve as commissioner until the first day of October, one thousand nine hundred and forty-four or until his successor is duly elected or appointed and has qualified, and said L. D. Averitt shall serve as commissioner until the first day of October, one thousand nine hundred and forty-five or until his successor is duly elected or appointed and has qualified, and said George B. Tarrant shall serve as commissioner until the first day of October, one thousand nine hundred and forty-six or until his successor is duly elected or appointed and has qualified.

Terms of office of R. H. Maxwell, L. D. Averitt and George B. Tarrant as commissioners.

SEC. 4. A meeting of the owners of land in the district shall be held on the second Monday in August in each year, beginning with the year one thousand nine hundred and forty-four, for the purpose of electing a commissioner and transacting such other business as may properly come before the meeting. A notice of such meeting, stating the hour of such meeting and a place in Cumberland County Drainage District Number three where such meeting shall be held, shall be published by the secretary of the board of drainage commissioners either in a newspaper published in Cumberland County once each week for two consecutive weeks, the first publication to be made at least fifteen days prior to the second Monday in August, or shall be posted, not less than ten days prior to the date of said meeting, at the courthouse door in said county and in three other

Meeting of owners of land in district for election of commissioner.

Notice of meeting.

Qualifications and term of commissioner to be elected at such meeting.

Each owner entitled to one vote for each acre of land or fraction thereof owned by him.

Quorum.

If quorum not present, C. S. C. of Cumberland County to appoint commissioner.

Method of filing vacancies.

Chairman of said board.

Secretary.

Office of treasurer of said district created.

Election of treasurer.

public places in said county. Such hour and place shall be determined by the secretary. At such meeting there shall be elected one commissioner who shall be an owner of land in said district but need not be a resident of said district and who shall serve for a period of three years from the next succeeding October first or until his successor shall be elected or appointed and shall have qualified. The owners of land, assembled in such meeting, shall organize by the election of a chairman to preside at such meeting and a secretary to record the minutes of such meeting. Each owner of land shall be entitled to cast one vote for each acre of land or fraction thereof owned by him and shall be entitled to vote either in person or through his representative duly authorized in writing. A majority of the total number of votes which may be cast by all owners of land in the district shall be necessary to constitute a quorum. If there shall not be a quorum at any such meeting the secretary of the district shall file a certificate to that effect with the Clerk of the Superior Court of Cumberland County and said clerk shall, as soon as practicable thereafter and not later than the next succeeding first day of October, appoint a duly qualified person to serve as commissioner of said district for the term of three years beginning on such October first or until his successor shall have been duly elected or appointed and has qualified.

SEC. 5. If a vacancy shall occur in the office of any commissioner by death, resignation or otherwise, the two remaining members shall elect a duly qualified person to fill the vacancy and if the remaining commissioners fail to fill the vacancy within thirty days after it occurs, the Clerk of the Superior Court of Cumberland County shall appoint some duly qualified person to fill such vacancy. Each person elected or appointed to hold any office in said district shall, before entering upon the duties of his office, take and subscribe to the oath required by Section seven of Article six of the Constitution.

SEC. 6. Said R. H. Maxwell, who is now acting as chairman of said board of drainage commissioners, shall continue to be such chairman until the first day of October, one thousand nine hundred and forty-four. As soon as practicable after the first day of October in each year, beginning with the year one thousand nine hundred and forty-four, said board shall elect one of its members to be chairman for the year ending on the next succeeding October first. Said board shall also appoint a secretary, who may or may not be a member of said board, to act as such secretary until the next succeeding October first.

SEC. 7 There is hereby created the office of treasurer of said district. The treasurer shall perform such duties as may be imposed upon him by this Act. Immediately after the ratification of this Act the board of drainage commissioners of said district shall elect a treasurer to hold office until the first

day of October, one thousand nine hundred and forty-four, or until his successor is elected or appointed and has qualified. Thereafter in each year said board shall, as soon as practicable after the first day of October in such year, elect a treasurer who shall hold office until the next succeeding October first or until his successor is elected or appointed and has qualified. In the case of a vacancy in the office of such treasurer the board shall fill the vacancy for the unexpired term. The treasurer shall, before entering upon his duties, give to the board of drainage commissioners a bond of some surety or bonding company approved by the board of drainage commissioners in the sum of four thousand dollars conditioned that the district treasurer will pay over all moneys of the district which shall come into his hands. Said bond shall be filed in the office of said board which shall produce such bond as evidence whenever and wherever lawfully requested so to do.

Treasurer to give bond.

SEC. 8. The General Assembly has ascertained and hereby determines and declares that the benefit to each tract of land in said district resulting from the making of said improvements exceeds the aggregate of all assessments heretofore levied thereon and of the special assessments levied by this Act and that the amounts hereby levied and assessed have been levied and assessed in proportion as nearly as may be to the benefit which each tract of land will derive therefrom. For the purpose of paying the principal of and interest on said refunding bonds there is hereby levied and assessed upon all the lands in said district, other than lands included in any incorporated town in said district which are not used for farming purpose or now used as part of any public highway, street or right of way of any railroad, in each year while any of said principal or interest remain unpaid, beginning with the year in which said refunding bonds are issued, a special assessment equivalent to forty-six cents for each acre of such land. For the purpose of paying the principal of and interest on said refunding bonds there is hereby levied and assessed upon all the lands included in any incorporated town in said district, other than lands used for farming purpose or now used as part of any public highway, street or right of way of any railroad, in each year while any of such principal and interest remain unpaid, beginning with the year in which such refunding bonds are issued, a special assessment equivalent to twenty-five cents for each one hundred dollars of the taxable value of said land exclusive of improvements as determined for the purpose of levying county taxes. Not later than the first day of August in each such year the district treasurer shall prepare a drainage tax list for such year which shall contain a description of each tract of land in such district sufficient to permit its identification by parol testimony and the name of the reputed owner thereof and except in the case of lands within an incorporated town which are not used for farm purpose, the area of such tract of land

Benefit to each tract from said improvements exceeds aggregate of assessments levied heretofore and by this Act.

Assessments in proportion to benefits.

Assessment hereby levied on certain lands in district.

Drainage tax list to be prepared annually.

Contests of such list.

Duplicate original to be filed with C. S. C. of Cumberland County.

stated in acres and the amount hereby assessed and levied thereon for such year. Such assessment roll shall be prepared in duplicate and shall be authenticated by the certificate of said district treasurer. One of such duplicates shall be retained by the district treasurer and the other shall be filed and remain permanently in the office of the Clerk of the Superior Court of Cumberland County. Notwithstanding any other provision of law no fee shall be charged by said clerk for accepting and filing and preserving such duplicate filed in his office.

Owners permitted to appeal to Superior Court of Cumberland County for certain purposes.

SEC. 9. Any owner of any tract of land assessed in any such drainage tax list or any person interested therein may appeal to the Superior Court of Cumberland County for the purpose of reviewing the determination of the area of said tract of land or the computation of the amount assessed thereon; provided, however, if the treasurer shall, after filing the duplicate roll with the clerk of the Superior Court, publish a notice stating that such assessment roll has been filed and is open to public inspection, once a week for two consecutive weeks, in a newspaper published in Cumberland County, or shall post a copy of such notice at the courthouse door and at five other conspicuous places in the district, such appeal must be taken within thirty days after the first publication or the posting of such notice, as the case may be, shall be completed. The validity of any assessment included in any such drainage tax list shall not, however, be affected by the failure to publish or post such a notice.

Time limit for such appeal.

Assessments to have force and effect of judgments.

SEC. 10. Each assessment set forth in any such drainage tax list shall have the force and effect of a judgment as in the case of state and county taxes and shall constitute a first and paramount lien second only to state and county taxes upon the tract of land assessed. Each such assessment shall be due and payable on, and shall be a lien from, the first Monday in September in the year for which such assessment roll is made. Notwithstanding any other provision of law, it shall be the duty of the treasurer to collect such assessments. If any such assessment is paid prior to the thirty-first day of December following the date such assessment became due and payable a discount of three per centum shall be allowed thereon. It shall be the duty of said treasurer to note on the duplicate drainage tax list retained by him the amount paid in satisfaction of each assessment listed in such list and the time of such payment. If any such assessment shall not be paid on or before such thirty-first day of December it shall be payable only with a penalty of one per centum for each month or fraction of month between such thirty-first day of December and the date of such payment.

Lien second only to state and county taxes.

Discount.

Penalties.

Foreclosure of assessment liens.

SEC. 11. The district shall be a taxing unit for the purpose of the general law regulating the foreclosure of tax liens and said district may foreclose the lien of any assessment levied by this Act in the manner prescribed by such general law for

the foreclosure of tax liens; provided, however, the lien of any such assessment may be foreclosed notwithstanding that such lien may not have been sold in the manner prescribed by such general law. It shall be the duty of the treasurer to institute proceedings for the foreclosure of any such lien not later than the first day of July following the date upon which the assessment became a lien unless the aggregate amount of such lien and of any other liens for assessments levied for said district, either pursuant to this law or any other law, which may be included in the same action, shall be less than fifty dollars. Notwithstanding any provision in such general law any person redeeming before judgment of confirmation shall be required to pay all sums which shall be due to the district at the time of discontinuance. If the treasurer shall fail to institute such proceedings within the time prescribed by this Act, such proceedings may be instituted by any bondholder in any case where this Act requires such proceedings to be instituted by the treasurer and such proceedings shall be taken and conducted in all respects as provided by such general law except that the district shall be a party defendant in such proceedings.

Time for instituting foreclosure.

Bondholder may institute foreclosure proceedings when treasurer fails to do so within time prescribed.

SEC. 12. It shall be the duty of the Tax Collector of the County of Cumberland to certify to the district treasurer, within two months after the ratification of this Act, a list of all assessments heretofore levied on behalf of said drainage district on lands within said drainage district which then remain unpaid. Such list shall contain a description of each tract of land in such district sufficient to permit its identification by parol testimony and the name of the reputed owner thereof and, except in the case of lands within an incorporated town, the area of such tract of land stated in acres and the amount of such assessment. The drainage district may foreclose the lien of any such assessment in the manner prescribed by this Act for the foreclosure of the lien of assessments levied by this Act. It shall be the duty of the treasurer to institute proceedings for the foreclosure of any such lien not later than the first day of July following the ratification of this Act, unless the aggregate amount of all such liens, which may be included in the same action, shall be less than fifty dollars. Not later than two months following the ratification of this Act the Tax Collector and the Treasurer of the County of Cumberland shall pay over to the treasurer of said drainage district all moneys in their possession or control belonging to said district.

Tax Collector of Cumberland County to certify to district treasurer list of unpaid assessments.

What such list to contain.

Foreclosure of such assessments.

SEC. 13. It shall be the duty of the board of drainage commissioners to sell all lands in said district acquired either by said board of drainage commissioners or by said drainage district as a result of any sale of such lands for unpaid taxes, assessments or otherwise. Any such lands acquired prior to the first day of January, one thousand nine hundred and forty-three shall be sold not later than the first day of December

Lands acquired as result of sale for unpaid taxes or assessments to be sold.

Manner and terms of sale.

Notice.

Certain moneys to be held in special fund.

Application of moneys held in special fund.

one thousand nine hundred and forty-three. All such lands acquired subsequent to the thirty-first day of December one thousand nine hundred and forty-two shall be sold within nine months after their acquisition. All such lands shall be sold for cash or upon such terms and conditions as may be determined by the board of drainage commissioners and at the best price obtainable, either at public or at private sale. If such lands shall be sold at public sale they shall be sold at public auction to the highest bidder and notice of such sale shall be published at least once in a newspaper published in the County of Cumberland, if any, and posted at the door of the courthouse in said county and at five conspicuous places in said county. Such publication and posting shall be made not more than twenty nor less than ten days prior to the date of such sale. Notwithstanding any requirement of law, any such lands so sold at public sale may be sold to or purchased by any officer of the district.

SEC. 14. All moneys collected by or paid to the district treasurer pursuant to Section twelve of this Act and all moneys collected by or paid to the district treasurer in the payment of any assessment levied for said district and all moneys received in the payment of the purchase price of properties sold pursuant to Section thirteen of this Act, after deducting therefrom the cost of selling such lands, and as compensation for lease or rental of any lands owned by the district and as the result of the condemnation of such lands by any public authority and the proceeds of all notes receivable and the balance due from land sales shall be held in a special fund which shall be kept separate from other moneys of said district and shall be deposited in a special account in which no other moneys shall be deposited. The moneys kept in said special fund shall be held in trust for the purposes hereinafter described. It shall not be lawful for the drainage district to borrow from said special fund. All moneys held in said fund shall be applied solely to the following purposes: (a) the payment of the principal of and interest on refunding bonds validated by this Act (b) the payment of state and county taxes on any lands owned by the drainage district (c) the payment of any fees or compensation payable to the commissioners of said district and the payment of the expense of conducting the business of said district, to an amount not exceeding two hundred dollars in any one calendar year except with the consent of the holders of not less than seventy-five per centum of the outstanding refunding bonds of the district (d) the payment to the district treasurer of a commission of five per centum of the amounts collected in payment of assessments levied on behalf of the district and (e) payment of the cost of foreclosing liens for assessments which payments shall not, in the case of each lien foreclosed, exceed thirty dollars (\$30.00) or ten per centum of the amount of such lien, whichever is larger except with the consent of the holders

of not less than seventy-five per centum of the outstanding refunding bonds. It shall be lawful for the treasurer to pay from said special fund the principal of and interest on bonds as such principal and interest become due and payable without audit by or prior authority from the board of drainage commissioners. No moneys shall be withdrawn from said special fund for any purpose other than the payment of such principal and interest, except to pay claims which have been audited and allowed by the board of drainage commissioners. It shall be lawful for the treasurer, with the approval of the board of drainage commissioners, to apply moneys in said special fund to the payment of bonds in advance of their maturity with the consent of the holder or holders, provided the bonds so paid are the earliest maturing bonds and provided the making of such payments will not reduce the aggregate amount held in said fund to an amount less than the interest payable on all outstanding bonds within the next succeeding one year.

SEC. 15. Any landowner or interested person may prepay in full the assessments herein levied on any tract of land by paying (1) the taxes and assessments theretofore levied on such tract and then unpaid (2) in the case of any tract of land not within an incorporated town, and in case of any land within an incorporated town which is used for farming purposes the sum of six dollars and fifty cents per acre for each acre in such tract less an amount which shall bear the same proportion to said sum as the amount of refunding bonds theretofore matured bears to the aggregate amount of refunding bonds validated by this Act and (3) in the case of any lands which are not used for farming purposes within any incorporated town, a sum equal to three and sixty-seven one hundredths (3.67) cents on each dollar of assessed valuation of such lands exclusive of improvements as last determined less an amount which shall bear the same proportion to said sum as the amount of refunding bonds theretofore matured bears to the aggregate amount of such refunding bonds validated by this Act; provided the sum so paid can be simultaneously applied to the payment of the earliest maturing refunding bonds, with the consent of the holder of such bonds. Upon such amount being paid to the treasurer of the district and by him applied on the earliest maturing principal of the refunding bonds, the district treasurer is authorized and directed to execute a release stating that all such assessments on such tract (describing it) have been paid in full, which release shall discharge the land on which the assessments shall have been so prepaid from all further liability to pay the assessments herein levied and those heretofore levied by or on behalf of the district. The release may be recorded in the office of the Register of Deeds of Cumberland County.

Assessments may be prepaid.

Method of prepayment.

Release of lands upon which assessment is paid in full.

Apportionment of assessment where land has been subdivided subsequent to making of assessment.

SEC. 16. In the event that any tract of land shall have been subdivided into two or more parcels of land subsequent to the time when any assessments heretofore levied or any assessment

levied by this Act became a lien thereon, the amount of such assessment shall be apportioned in accordance with the area of the several parcels of land and the payment of the amount apportioned to any one parcel of land shall extinguish any lien thereon for the amounts apportioned to such other parcels of land.

Ch. 548, Public-Local and Private Laws, 1939, repealed.

Conflicting laws repealed.

Provisions of general law as to administration of affairs of drainage districts not in conflict with this Act remain applicable.

Holders of refunding bonds subrogated to rights of holders of bonds surrendered in exchange therefor.

Partial invalidity section.

SEC. 17. Chapter five hundred and forty-eight of the Public-Local and Private Laws of one thousand nine hundred and thirty-nine of North Carolina ratified on the third day of April one thousand nine hundred and thirty-nine, and all other laws and clauses of laws in conflict herewith are hereby repealed; provided, however, all provisions contained in the general law relative to the administration of the affairs of drainage districts which are not in conflict with this Act shall remain applicable to the district.

SEC. 18. In addition to the rights and remedies herein given, the holder or holders of any refunding bonds validated by this Act shall be subrogated to all the rights and powers of the holder or holders of the outstanding bonds surrendered in exchange for such refunding bonds.

SEC. 19. If any clause, sentence, paragraph, section or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 20. This Act shall be in force from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 248

CHAPTER 170

AN ACT TO AMEND SECTION SIX THOUSAND TWO HUNDRED AND SIXTY-FOUR OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO CHANGE THE TITLE OF THE INSURANCE COMMISSIONER TO COMMISSIONER OF INSURANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section six thousand two hundred and sixty-four of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by rewriting the first sentence thereof to read as follows:

C. S. 6264 amended.

“The chief officer of the insurance department shall be called the Commissioner of Insurance; whenever in the Statutes of this State the words ‘Insurance Commissioner’ appear, they shall be deemed to refer to and to be synonymous with the term ‘Commissioner of Insurance.’”

Chief officer of insurance department to be called Commissioner of Insurance.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 255

### CHAPTER 171

#### AN ACT TO VALIDATE CERTAIN TRUSTEES' DEEDS FROM WHICH GRANTORS' SEALS HAVE BEEN OMITTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. All deeds executed prior to the first day of January, one thousand nine hundred and forty, by any trustee in the exercise of the power of sale vested in him under any deed, deed of trust, mortgage, will, or other instrument in which the trustee has omitted to affix his seal after his signature, shall be good and valid: Provided, however, that this Act shall not apply to actions instituted and pending prior to the fifteenth day of May, one thousand nine hundred and forty-three.

Certain trustees' deeds where grantors' seals omitted declared valid.

Not applicable to actions pending prior to May 15, 1943.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after the fifteenth day of May, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 19th day of February, 1943.

H. B. 257

### CHAPTER 172

#### AN ACT TO PROVIDE FOR A SIMPLER FORM OF CORPORATE ACKNOWLEDGMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. The purpose of this Act is to authorize a simpler form of corporate acknowledgment in addition to the forms already authorized by Section three thousand three hundred and twenty-six of the Consolidated Statutes.

Purpose of Act.

C. S. 3326  
amended to  
provide addi-  
tional form of  
corporate  
acknowledgment.

SEC. 2. Section three thousand three hundred and twenty-six of the Consolidated Statutes is amended by adding at the end of the first sentence thereof the following:

“(1) If the deed or other instrument is executed by the president or vice president of the corporation, is sealed with its common, or corporate seal, and is attested by its secretary or assistant secretary, or, in case of a bank, by its secretary, assistant secretary, cashier or assistant cashier, the following form of acknowledgment is sufficient:

Form of  
acknowledgment.

-----  
(State and county, or other description  
of place where acknowledgment is taken)

I, -----,  
(Name of officer taking  
acknowledgment) (Official title of officer  
taking acknowledgment)

certify that ----- personally  
(Name of secretary, assistant secretary,  
cashier or assistant cashier)

came before me this day and acknowledged that he (or she)  
is ----- of -----,  
(Secretary, assistant secretary, (Name of corporation)  
cashier or assistant cashier)

a corporation, and that, by authority duly given and as the  
act of the corporation, the foregoing instrument was signed  
in its name by its -----,  
(President or vice president)

sealed with its corporate seal, and attested by himself (or her-  
self) as its -----  
(Secretary, assistant secretary, cashier  
or assistant cashier)

My commission expires -----  
(Date of expiration of commission)

----- Witness my hand and official seal,  
as notary public)

this the ----- day of -----,  
(Month) (Year)

-----  
(Signature of officer taking acknowledgment)

(Official seal, if officer taking  
acknowledgment has one)

(a) The words “a corporation” following the blank for the  
name of the corporation may be omitted when the name of the

Words “a cor-  
poration” may  
be omitted in  
certain cases.

corporation ends with the word "Corporation" or "Incorporated."

(b) The words "My commission expires" and the date of expiration of the notary public's commission may be omitted except when a notary public is the officer taking the acknowledgment.

Commission expiration date may be omitted except when notary public takes acknowledgment.

(c) The words "and official seal" and the seal itself may be omitted when the officer taking the acknowledgment has no seal or when such officer is the clerk, assistant clerk or deputy clerk of the superior court of the county in which the deed or other instrument acknowledged is to be registered."

Words "and official seal" and seal itself omitted in certain cases.

SEC. 3. This Act shall be effective upon its ratification.

Ratified this the 19th day of February, 1943.

H. B. 261

CHAPTER 173

AN ACT TO FIX THE FEES OF JURORS IN MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All jurors, other than tales jurors, in the Superior Court of Martin County shall receive fees for their services of three dollars (\$3.00) per day and mileage, at the rate of five cents (5¢) per mile, while coming to the county seat and returning home, said distance to be computed by the usual route of public travel. Tales jurors shall receive fees for their services of three dollars (\$3.00) per day but shall not be entitled to mileage.

Fees of jurors, other than tales jurors, in Martin County.

Fees of tales jurors.

SEC. 2. This Act shall apply only to Martin County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## H. B. 264

## CHAPTER 174

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO THE CLEVELAND COUNTY COURT, AND TO MAKE PROVISIONS WITH RESPECT TO A KINGS MOUNTAIN RECORDER'S COURT.

*The General Assembly of North Carolina do enact:*

Jurisdiction of Recorder's Court of Town of Kings Mountain, when established.

SECTION 1. If and when a Recorder's Court shall be established in the Town of Kings Mountain under the provisions of Article eighteen of Chapter twenty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, the Cleveland County Court set up under Chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred and eleven, entitled "An Act to establish a Special Court in the City of Shelby, and in Cleveland County and to prescribe the jurisdiction thereof," as amended, shall have concurrent jurisdiction only over any criminal offenses committed within the corporate limits of the Town of Kings Mountain which are within the jurisdiction of the Recorder's Court of Kings Mountain, and shall cease to hold sessions in Kings Mountain as provided under the provisions of Chapter two hundred and seventy-seven of the Public-Local Laws of one thousand nine hundred and seventeen amending Chapter two hundred and forty-three of the Public-Local Laws of one thousand nine hundred and eleven, as amended: Provided, that all cases arising within the corporate limits of Kings Mountain and docketed for trial in said Cleveland County Court at the time of the establishment of the Kings Mountain Recorder's Court shall remain within the jurisdiction of said Cleveland County Court and be disposed of in said court in the proper manner according to law.

Cleveland County Court not to hold sessions in Kings Mountain if Recorder's Court established in Kings Mountain.

Term of office of Recorder of Recorder's Court of Kings Mountain, when established.

SEC. 2. If and when a Recorder's Court shall be established in the Town of Kings Mountain under the provisions of Article eighteen of Chapter twenty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, and the first recorder is selected by the governing body of said municipality, either at the time of the establishment of the court or within thirty (30) days thereafter, such appointee shall hold office until the first Monday in July of the year of the next succeeding municipal election and until his successor is duly appointed and qualified. Each succeeding recorder shall be appointed by the governing body of the Town of Kings Mountain and shall serve for a term or two years and until his successor is duly appointed and qualified.

Jurisdiction of Recorder's Court of Kings Mountain, when established.

SEC. 3. If and when a Recorder's Court shall be established in the Town of Kings Mountain under the provisions of Article eighteen of Chapter twenty-seven of the Consolidated Statutes

of one thousand nine hundred and nineteen, as amended, the jurisdiction of said Kings Mountain Recorder's Court as to the offenses described in Section one thousand five hundred and forty-one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, shall be limited to offenses committed within the corporate limits of the Town of Kings Mountain: Provided, however, that upon motion of the defendant in any case coming on to be heard in said Kings Mountain Recorder's Court, the case shall be removed to the Cleveland County Court for trial.

Removal of cases  
to Cleveland  
County Court.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 271

CHAPTER 175

AN ACT EXEMPTING MEMBERS OF THE MILITARY FORCES FROM THE PROVISIONS OF SECTION FIVE THOUSAND SEVEN HUNDRED AND NINETY-ONE OF THE CONSOLIDATED STATUTES RELATING TO FILLING VACANCIES ON THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section five thousand seven hundred and ninety-one of the Consolidated Statutes be, and the same is hereby, amended by striking out the period at the end of said section and inserting a comma, and adding the following:

C. S. 5791  
amended.

“but shall not apply to members serving in any branch of the United States Armed Forces or in the Military Forces of any of the Allies of the United States.”

Law vacating  
place as Trustee  
of University  
of N. C. for  
absence from  
meetings for two  
successive years  
not applicable to  
members in  
Armed Forces.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

## H. B. 274

## CHAPTER 176

AN ACT TO FIX THE SALARIES AND COMPENSATION OF CERTAIN OFFICERS OF BLADEN COUNTY BY AMENDING CHAPTER THREE HUNDRED AND NINETY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 398,  
Public-Local  
Laws, 1933,  
rewritten.

SECTION 1. Section three of Chapter three hundred and ninety-eight of Public-Local Laws of one thousand nine hundred and thirty-three is hereby stricken out and there is inserted in lieu thereof the following:

Salary of C. S. C.  
of Bladen  
County.

“The Clerk of the Superior Court of Bladen County shall receive a salary of two thousand and one hundred dollars per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Clerk of the Superior Court of Bladen County.”

Sec. 4, Ch. 398,  
Public-Local  
Laws, 1933,  
rewritten.

SEC. 2. Section four of Chapter three hundred and ninety-eight of Public-Local Laws of one thousand nine hundred and thirty-three is hereby stricken out and there is inserted in lieu thereof the following:

Salary of Reg-  
ister of Deeds  
of Bladen County.

“The Register of Deeds of Bladen County shall receive a salary of one thousand six hundred and twenty dollars per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Register of Deeds of Bladen County.”

Sec. 6, Ch. 398,  
Public-Local  
Laws, 1933,  
rewritten.

SEC. 3. Section six of Chapter three hundred and ninety-eight of Public-Local Laws of one thousand nine hundred and thirty-three is hereby stricken out and there is inserted in lieu thereof the following:

Salary of Judge  
of Recorder's  
Court.

“The Judge of Recorder's Court of Bladen County shall receive a salary of one thousand two hundred dollars per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Judge of Recorder's Court of Bladen County.”

Sec. 7, Ch. 398,  
Public-Local  
Laws, 1933,  
rewritten.

SEC. 4. Section seven of Chapter three hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby stricken out and there is inserted in lieu thereof the following:

Salary of  
Prosecuting  
Attorney of  
Recorder's  
Court.

“The Prosecuting Attorney of the Recorder's Court of Bladen County shall receive a salary of one thousand two hundred dollars per annum, payable in equal monthly installments. The same to be in full compensation for all services of the said Prosecuting Attorney of the Recorder's Court of Bladen County.”

SEC. 5. The salary and compensation of all employees of the county engaged in clerical or stenographic work, irrespective of which department or office they are assigned, shall be fixed by the Board of County Commissioners of Bladen County.

Compensation of clerical employees of Bladen County to be fixed by Board of County Commissioners.

SEC. 6. The salaries herein fixed shall be retroactive and become effective as of February first, one thousand nine hundred and forty-three.

Date salaries to become effective.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 288

### CHAPTER 177

AN ACT TO PROVIDE FOR THE TRANSFER OF CASES FROM THE RECORDER'S COURT OF TYRRELL COUNTY TO THE SUPERIOR COURT WHEN JURY TRIALS ARE REQUESTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one thousand five hundred and seventy-two of the Consolidated Statutes of one thousand nine hundred and nineteen, relating to jury trials in recorders' courts shall not apply to the Recorder's Court of Tyrrell County.

C. S. 1572, relating to jury trials in Recorder's Courts, not to apply to Recorder's Court of Tyrrell County.

SEC. 2. In all trials in the Recorder's Court of Tyrrell County, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall, if there has been no preliminary examination, hear evidence, and if it shall appear to the recorder that no offense has been committed by any person or that there is no probable cause for charging the prisoner with an offense, he shall discharge such prisoner. If it shall appear that an offense has been committed and that there is probable cause to believe that the defendant is guilty, or if the defendant shall waive preliminary examination, or if the defendant has had a previous preliminary examination and probable cause has been found, it shall be the duty of the recorder, upon demand for a jury by the defendant or the prosecuting attorney representing the State, to transfer said trial to the Superior Court of Tyrrell County, and the defendant shall execute a new bond in such amount as named by the recorder for his appearance at the next term of the Superior Court of Tyrrell County.

Procedure prescribed where jury trial demanded in Recorder's Court of Tyrrell County.

SEC. 3. This Act shall be applicable only to Tyrrell County.

Application of Act.

Conflicting  
laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 293

### CHAPTER 178

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND FORTY-SIX OF THE PUBLIC-LOCAL LAWS OF SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE SALARY OF THE CONSTABLE OF WILMINGTON TOWNSHIP, NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 246, Public-  
Local Laws,  
1935, repealed.

SECTION 1. That Chapter two hundred and forty-six of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby repealed.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 311

### CHAPTER 179

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SIXTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE DRAWING OF JURORS IN THE RECORDER'S COURT OF WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 10, Ch. 762,  
Public-Local  
Laws, 1915,  
amended.

SECTION 1. That Section ten of Chapter seven hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by striking out the period at the end of the first sentence in said section, substituting a colon therefor, and adding the following:

“Provided, that whenever a jury trial is demanded either in a criminal or civil action, the number of jurors drawn shall be sixteen.”

Number of  
jurors to be  
drawn in Re-  
corder's Court  
of Warren  
County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed, in so far as the same may relate to the Recorder's Court of Warren County.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 316

CHAPTER 180

AN ACT TO FIX THE HERTFORD COUNTY JAILER'S ALLOWANCE FOR PRISONERS' BOARD, AND TO FIX THE TURNKEY FEE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of county commissioners, in its discretion, is hereby authorized to allow the jailer a sum not exceeding one dollar (\$1.00) per day for the board of each prisoner. The said board is also authorized to fix the turnkey fee in an amount not to exceed fifty cents (50¢).

Jailer's allowance for prisoners in Hertford County provided for.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 320

CHAPTER 181

AN ACT AMENDING CHAPTER THREE HUNDRED AND THIRTY-ONE OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, THE SAME BEING AN ACT AMENDING CHAPTER FIFTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO SPECIAL ASSESSMENTS, AND EXTENDING THE STATUTE OF LIMITATIONS FROM TEN YEARS TO FIFTEEN YEARS FROM THE DEFAULT IN THE PAYMENT OF ANY UNPAID ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter three hundred and thirty-one of the Public Laws of North Carolina of one thousand nine hundred and twenty-nine, the same being an Act amending Chapter fifty-six of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, relating to special assessments, be, and the same is hereby, amended by striking out the words "ten years" in lines five, eleven and twelve of Paragraph "b" of said section and inserting in lieu thereof the words "fifteen years."

Sec. 1, Ch. 331, Public Laws, 1929, amended to extend statute of limitations as to special assessments.

Actions barred  
not revived  
hereby.

SEC. 2. Nothing herein shall be construed to revive any right of action referred to herein which has been heretofore barred by the Statute of Limitations.

Application  
of Act.

SEC. 3. This Act shall apply to the City of Charlotte, North Carolina, only.

Conflicting  
laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

### H. B. 326

### CHAPTER 182

#### AN ACT TO EMPOWER THE BOARD OF ALDERMEN OF THE CITY OF ROCKY MOUNT TO RELIEVE CHURCHES FROM PAVING ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

Board of Aldermen of City of Rocky Mount permitted to remit or compromise certain special assessments outstanding against church or parsonage property.

SECTION 1. That the Board of Aldermen of the City of Rocky Mount be and it is hereby authorized and empowered, in its discretion, to remit, reduce, cancel, settle and otherwise compromise any existing indebtedness due by churches of the City of Rocky Mount for sidewalk, curb and gutter or street paving which may now be unpaid and outstanding against any church or parsonage property located within the City of Rocky Mount.

Act applies only to certain assessments against church or parsonage property.

SEC. 2. The provisions of this Act shall apply only to existing indebtedness now due or incurred for sidewalk, curb and gutter or street paving against any church or parsonage property and shall in no wise affect the payment and collection of other paving assessments.

Conflicting  
laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 331

## CHAPTER 183

## AN ACT TO AMEND CHAPTER NINETY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-SEVEN RELATING TO THE CHARTER OF THE TOWN OF WINTERVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter ninety-five of the Private Laws of one thousand eight hundred and ninety-seven be rewritten to read as follows:

Sec. 5, Ch. 95,  
Private Laws,  
1897, rewritten.

“SEC. 5. An election shall be held on the first Monday in May of the year one thousand nine hundred and forty-three at some convenient place in said town, to be designated by the commissioners, and after time and place thereof has been posted in three public places in said town and for thirty days prior thereto, for the purpose of electing a mayor and three commissioners. The mayor shall be elected for a period of two years and the commissioners shall be elected, one for one year, one for two years, and one for three years and thereafter an annual election shall be held on the first Monday in May of each year to elect one commissioner for a period of three years. The mayor shall be elected biennially thereafter. All of such officers so elected shall serve for the term to which they have been elected or until their successors have been elected and qualified. At the election to be held in one thousand nine hundred and forty-three candidates for commissioner shall file for such term as they desire and the ballots shall be prepared so as to designate the candidates for the one year term, candidates for the two year term and the candidates for the three year term.”

Method provided  
for election of  
officials of Town  
of Winterville.

Terms  
of office.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 332

## CHAPTER 184

## AN ACT TO FIX THE SALARY OF THE COUNTY ACCOUNTANT IN CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, effective March first, one thousand nine hundred and forty-three, the salary of the County Accountant of Clay County be, and the same is hereby fixed at the sum of seventy-five dollars (\$75.00) per month.

Salary of County  
Accountant of  
Clay County.

Salary to be compensation in full for all services.

SEC. 2. Said salary provided for in Section one of this Act shall be compensation in full for all services rendered by said county accountant, and he shall be entitled to receive no further compensation from Clay County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

### H. B. 344

### CHAPTER 185

#### AN ACT TO PROVIDE FOR THE SETTING OF THE SALARY OF THE DEPUTY SHERIFF OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 262, Public-Local Laws, 1937, amended to increase salary of Deputy Sheriff of Franklin County.

SECTION 1. That Section one of Chapter two hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended by striking out the word "six hundred (\$600.00) dollars" in line six thereof and inserting in lieu thereof the word "one thousand (\$1000.00) dollars."

Date of increase of salary.

SEC. 2. That said salary increase shall commence as of February first, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

### H. B. 353

### CHAPTER 186

#### AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE CHARTER OF THE CITY OF REIDSVILLE.

*The General Assembly of North Carolina do enact:*

Ch. 168, Public-Local Laws, 1935, amended.

SECTION 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-five, as amended, is hereby further amended by adding at the end of Section one a new section, to be numbered Section one and one half, and to read as follows:

“SEC. 1½. That the said City of Reidsville, by and through its city council or governing body, shall have full power and authority to condemn, appropriate and use any land or lands, including dwelling houses, yards, kitchens, gardens, burial grounds and any and all other lands, either within or without the city limits of said City of Reidsville, provided said lands are located in Rockingham County, for the purpose of establishing, maintaining and operating airports, hangars, tool shops, work shops and any and all other buildings and appurtenances thereto.”

City of Reidsville permitted to condemn property in Rockingham County for airport, etc.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 367

### CHAPTER 187

#### AN ACT TO FIX THE JURY FEES FOR THE WASHINGTON COUNTY RECORDER'S COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. The jury fees for the Washington County Recorder's Court shall be one dollar and fifty cents (\$1.50) per juror per day.

Jury fees for Washington County Recorder's Court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 372

### CHAPTER 188

#### AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-FOUR OF THE PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-THREE PLACING THE AMOUNT OF SALARY OF THE RECORDER OF CAMDEN COUNTY IN THE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and twenty-four of the Public-Local Laws, Session one thousand nine hundred and thirty-three be amended by striking out all

Sec. 1, Ch. 124, Public-Local Laws, 1933, amended.

of said Section one after the word Act followed by comma in line five of said section, and insert the following:

Salary of Recorder of Camden County.

Such salary as shall be fixed by the Board of County Commissioners of Camden County, in its discretion, payable monthly at the end of each month.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act be and are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 380

### CHAPTER 189

AN ACT TO RELIEVE BERTIE COUNTY FROM LIABILITY UNDER SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN FOR DAMAGES OR INJURIES CAUSED BY DOGS TO POULTRY OR FOWLS.

*The General Assembly of North Carolina do enact:*

C. S. 1681, amended to relieve Bertie County of liability for injury or damage caused by dogs to poultry or fowls.

SECTION 1. That Section one thousand six hundred and eighty-one of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, with amendments thereto, be and the same is hereby, amended, by striking out the period at the end thereof and inserting in lieu thereof a colon, and by adding the following: "Provided also, that Bertie County shall not be liable for, and the County Commissioners of Bertie County shall not be required to make any payment under the provisions of this section, for, any injury or damage caused by any dog to any poultry or fowls of any kind."

Pending claims unaffected.

SEC. 2. That this Act shall not apply to pending claims for which Bertie County may be liable under the law as it heretofore existed.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, 1943.

H. B. 431

## CHAPTER 190

AN ACT TO REPEAL SECTION ONE OF CHAPTER ONE HUNDRED AND NINETY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE ALLOWING THE CLERK OF THE SUPERIOR COURT TO RECEIVE FEES AS CLERK OF THE COUNTY RECORDER'S COURT; TO AMEND SECTION FIVE OF CHAPTER ONE HUNDRED AND SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, WHICH FIXES THE SALARY OF THE CLERK, TO PROVIDE A SALARY FOR SERVICES AS CLERK OF THE COUNTY RECORDER'S COURT; AND TO PROVIDE FOR PAYMENT OF SALARY TO A DEPUTY CLERK OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one of Chapter one hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and thirty-one is hereby repealed.

Sec. 1, Ch. 196, Public-Local Laws, 1931, allowing certain fees to C. S. C. of Caldwell County, repealed.

SEC. 2. Section five of Chapter one hundred and sixty of the Public-Local Laws of one thousand nine hundred and twenty-nine is hereby amended to read as follows:

Sec. 5, Ch. 160, Public-Local Laws, 1929, rewritten.

"The salary of the Clerk of the Superior Court of Caldwell County shall be three thousand dollars (\$3,000.00) per annum, payable in equal monthly installments from the county general fund. The clerk shall be paid, in addition to such salary, such compensation for his services as clerk of the county recorder's court as, in the discretion of the board of county commissioners, seems just and proper, not exceeding, however, the sum of seventy-five dollars (\$75.00) per month, such salary to be in lieu of fees allowed by law to the clerk of the county recorder's court, which fees shall be paid into the general fund of the county."

Salary of C. S. C. of Caldwell County.

Additional compensation as Clerk of Recorder's Court provided for.

SEC. 3. The Board of County Commissioners of Caldwell County is hereby authorized and empowered to pay to the deputy clerk of the Superior Court such salary as, in its discretion, seems just and proper, not to exceed, however, the sum of one hundred and twenty-five dollars (\$125.00) per month.

Salary of Deputy C. S. C.

SEC. 4. This Act shall apply to Caldwell County only.

Application of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after the first day of March, one thousand nine hundred and forty-three.

Ratified this the 19th day of February, 1943.

## S. B. 30

## CHAPTER 191

AN ACT TO AUTHORIZE THE CONVEYANCE BY THE STATE OF NORTH CAROLINA OF A LOT FIFTY FEET SQUARE OF THE BATTLEFIELD NEAR APPOMATTOX COURTHOUSE TO THE UNITED STATES OF AMERICA FOR ADDITION TO THE APPOMATTOX COURTHOUSE NATIONAL HISTORICAL MONUMENT.

Preamble:  
By virtue Ch. 10, Public Laws, 1905, Governor authorized to accept deed for certain lots on Appomattox battlefield.

WHEREAS, by virtue of Chapter ten of the Public Laws of one thousand nine hundred and five the Governor of the State of North Carolina was authorized and directed to receive for the State a deed from Henry A. London for three lots or parcels of land on the battlefield of Appomattox Courthouse for the purpose of placing thereon certain permanent memorials; and

Said lots were conveyed to State.

WHEREAS, pursuant to said legislative authority the said Henry A. London conveyed said property to the State of North Carolina; and

U. S. maintaining Appomattox Courthouse area as national park.

WHEREAS, the United States of America, through its National Park Service, has acquired the Appomattox Courthouse area and is maintaining it as a National Historical Park; and

U. S. willing to accept and maintain this property as memorial to North Carolinians in War between the States.

WHEREAS, the United States of America, through its National Park Service, has indicated its willingness to accept by donation title to the property hereinafter described and to maintain the same in an adequate manner as a fitting memorial to the services of North Carolinians in the War between the States; and

Deemed proper to convey said property to U. S.

WHEREAS, it is deemed necessary and proper to convey and donate said property to the United States of America in order that it may be properly used and maintained for the purposes for which it was acquired by the State of North Carolina: Now, therefore,

*The General Assembly of North Carolina do enact:*

Governor, with approval of Council of State, authorized to convey, this property to U. S.

SECTION 1. The Governor of the State of North Carolina is hereby authorized, empowered and directed, with the approval of the Council of State, to execute a deed under the Great Seal of the State of North Carolina to the United States of America donating and conveying a tract or parcel of land located and being in the State of Virginia and on the battlefield near Appomattox Courthouse, and more particularly bounded and described as follows:

Description of property.

One lot fifty (50) feet square on the South side of the road leading to Lynchburg about two hundred and fifty yards Southeast of Hermon Church near an old dead cherry tree and at the place marked as "Position of Cox's Brigade firing last volley" on the map of said battlefield of Appomattox prepared by W. C. Riddick and C. L. Mann.

Said conveyance shall be in the usual form of deeds of conveyance of real property and shall be executed in the name of the State of North Carolina and signed in the name of the State of North Carolina by the Governor and attested by the Secretary of State and the Great Seal of the State of North Carolina shall be affixed thereto.

Form and  
execution of deed.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

S. B. 89

## CHAPTER 192

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SO AS TO PROVIDE FOR THE PURCHASE AND DISTRIBUTION OF THE GENERAL STATUTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the first paragraph of Subsection (c) of Section five of Chapter three hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-nine be, and the same hereby is amended by striking out the next to the last sentence of the first paragraph of said subsection and inserting in lieu thereof the following:

Sec. 5, Ch. 315,  
Public Laws,  
1939, amended.

“The one hundred and seventy sets of the four-volume edition of the new code, known as the ‘General Statutes of North Carolina,’ which the publisher thereof has contracted with the State Department of Justice to furnish free of charge, shall be distributed to the members of the General Assembly. The Governor and Council of State are hereby authorized to purchase additional sets of said four-volume edition of the General Statutes, not to exceed three hundred and fifty sets, when the same may be published, at a price to be agreed upon by the Governor, the Council of State and the publisher. The Governor and Council of State shall distribute the sets purchased, in such number and in such manner as to them may seem desirable or needful, to the Judges of the Superior Court, the Solicitors, the Clerks of the Superior Court, the Justices of the Supreme Court, the Supreme Court Library and to various State Officials, Departments and Agencies for any proper State use. There is hereby appropriated whatever sum may be necessary to purchase sets of the General Statutes as provided above, to be paid out of the contingency and emergency fund, upon the direction of the Governor and Council of State.”

Sets of General  
Statutes of N. C.  
to be distributed  
to members of  
General Assembly.

Governor and  
Council of State  
authorized to  
purchase not to  
exceed 350 sets.

Sets to be  
distributed to  
certain State  
officials, Depart-  
ments and Agen-  
cies, and to  
Clerks of Superior  
Court.

Appropriation  
from contingent  
and emergency  
fund.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

S. B. 91

CHAPTER 193

AN ACT TO IMPROVE THE APPALACHIAN STATE TEACHERS COLLEGE.

Preamble:  
Appalachian State Teachers College located at Boone, N. C.

WHEREAS, the Appalachian State Teachers College is located at Boone, North Carolina, three thousand three hundred and thirty-three (3,333) feet above the level of the sea, in Watauga County, the highest county in the State and the highest in the Southland; and

Climate.

WHEREAS, Boone has a very inviting and delightful summer climate; and

Benefits of teacher training at summer school of Appalachian State Teachers College.

WHEREAS, experience has shown that great good can be done for the public schools in North Carolina, in the Southland, and in many other American States through the training of teachers in the summer schools of Appalachian State Teachers College: Now, therefore,

*The General Assembly of North Carolina do enact:*

Trustees of the Endowment Fund of Appalachian State Teachers College created.

SECTION 1. That the Board of Trustees of the Appalachian State Teachers College, together with other persons to be appointed by them, not to exceed nine in number, and to be known as the Trustees of the Endowment Fund of the Appalachian State Teachers College, are hereby created a body politic to do specific things hereinafter enumerated.

Chairman of trustees of endowment fund.

SEC. 2. The Chairman of the Board of Trustees of the Appalachian State Teachers College shall be the chairman of the trustees of the endowment fund.

Trustees authorized to receive and use gifts, etc.

SEC. 3. The trustees may receive gifts, donations, bequests, and use the same, together with any other moneys or properties of any kind that may come to the Board of Trustees of the Appalachian State Teachers College or to the Trustees of the Endowment Fund of the Appalachian State Teachers College—excepting, always, state appropriations and moneys received from tuition, fees and the like, collected from students and used for the general operations of the college—and set the same up as a permanent endowment fund.

Permanent endowment fund provided for.

Investment of endowment funds.

SEC. 4. It shall be the duty of the trustees of the endowment fund to invest the funds coming into their hands with safety and to the best advantage in accordance with their judgment.

Principal to be kept intact.

SEC. 5. The principal of said endowment fund shall be kept intact; only the interest, dividends or incomes may be expended each year.

SEC. 6. In the management of the endowment fund no discrimination shall be made against any person from any state that may be eligible to register at the Appalachian State Teachers College.

No discrimination as to states.

SEC. 7. It is not the intent that the income from this endowment fund take the place of state appropriations or any part thereof, but to supplement the state appropriations to the end that the college (1) may increase its functions, (2) may enlarge its areas of service, and (3) may become more useful to a greater number of people.

Income to supplement and not to take the place of State appropriations.

SEC. 8. All incomes derived from the endowment fund are to be used to bring teachers with superior training and widely recognized ability to the college campus:

Purposes for which income is to be used.

1. To study the child and his development.
2. To study the learning processes.
3. To study the best teaching techniques.
4. To study education, especially elementary education.
5. To hold conferences, to experiment, to lecture, to write, to teach, to inspire, to the end that student teachers in attendance at the college may gather greater knowledge, power, and skill, and return to their schools with new zeal and with higher goals, giving finer opportunities to children everywhere.

SEC. 9. Nothing in this Act shall be construed to prevent the trustees of the endowment fund from receiving gifts, donations and bequests, and from using the same as the donor or donors designate.

Designated gifts.

SEC. 10. The trustees of the endowment fund are authorized to do all things deemed useful and wise by them to carry out the true intent of this Act.

Powers of trustees.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

S. B. 124

CHAPTER 194

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND SIXTY-FOUR OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE CUSTODY OF CHILDREN IN DIVORCE.

*The General Assembly of North Carolina do enact:*

C. S. 1664 amended.

SECTION 1. That Section one thousand six hundred and sixty-four of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same is hereby, amended by adding to said section, as heretofore amended, a new paragraph to read as follows:

Complaints in divorce actions shall set forth certain information as to children of parties.

“In any case where either parent institutes a divorce action when there is a minor child or children, the complaint in such action shall set forth the name and age of such child or children; and if there be no minor child, the complaint shall so state.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after April fifteenth, one thousand nine hundred and forty-three.

Ratified this the 22nd day of February, 1943.

H. B. 82

CHAPTER 195

AN ACT TO AMEND CHAPTER TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE CREATING A TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM IN NORTH CAROLINA SO AS TO PERMIT THE REEMPLOYMENT OF TEACHERS AND STATE EMPLOYEES WHO HAVE RETIRED ON ACCOUNT OF AGE.

*The General Assembly of North Carolina do enact:*

Teachers and State employees retired under retirement act may be reemployed during continuation of War and certain period thereafter.

SECTION 1. That all employers within the meaning of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one, creating a Teachers' and State Employees' Retirement System, are hereby authorized during the continuation of the present World War, and for six months after its termination, or at the termination of the school term in which such teachers shall be engaged, to reemploy any persons who have retired under the provisions of the Teachers' and State Employees' Retirement Act on account of age.

Period of employment limited.

SEC. 2. That no person reemployed under the authority contained in Section one of this Act shall remain in service for a

longer period than six months after the termination of the present World War, or at the termination of the school term in which such teachers shall be engaged.

SEC. 3. That any employer, as defined in the Teachers' and State Employees' Retirement Act, employing a person who has retired under the provisions of said Act on account of age, shall immediately notify in writing the executive secretary of the board of trustees, Teachers' and State Employees' Retirement System, and said executive secretary shall immediately suspend all service retirement benefits to which such person is entitled during the period of such reemployment.

Notice of such employment to be given Secretary of Teachers' and State Employees' Retirement System.

Retirement benefits suspended during such employment.

SEC. 4. That during the period of reemployment no deductions shall be made from the compensation of the persons so reemployed, under the provisions of the Teachers' and State Employees' Retirement Act, and the employer shall not be required to make any contributions to the Teachers' and State Employees' Retirement System during said period of time on account of such person so reemployed.

No deductions from compensation of persons employed.

No contributions to retirement fund on account of such persons employed.

SEC. 5. That, upon the termination of the contract of reemployment on account of the lapse of time, or for any other reason, the person so reemployed shall be entitled to begin to receive the service retirement benefits to which such person was entitled, under the provisions of the Teachers' and State Employees' Retirement Act.

On termination of employment payment of retirement benefits to person so employed to be resumed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 113

CHAPTER 196

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, RELATING TO THE ELIMINATION OF UNFIT DWELLINGS IN CITIES AND TOWNS OR MORE THAN FIVE THOUSAND POPULATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and eighty-seven, Public Laws of one thousand nine hundred and thirty-nine, as amended, be and the same is hereby amended by striking out Section six and one half and inserting in lieu thereof the following:

Ch. 287, Public Laws, 1939, amended.

Owners of land condemned entitled to just compensation.

"SEC. 6 ½. Provided that nothing in this Act shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this State, nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State."

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 222

## CHAPTER 197

AN ACT TO AUTHORIZE THE USE OF SCHOOL BUSES FOR THE TRANSPORTATION OF THE NORTH CAROLINA STATE GUARD OR THE NATIONAL GUARD TO AND FROM PLACES OF ENCAMPMENT WHEN ORDERED BY THE GOVERNOR.

*The General Assembly of North Carolina do enact:*

Sec. 24, Ch. 358, Public Laws, 1939, amended.

SECTION 1. Section twenty-four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, is further amended by adding at the end of said section a new paragraph as follows:

N. C. State Guard or National Guard permitted to use school buses under certain conditions.

"When ordered to do so by the Governor, the State Board of Education is authorized and empowered, and it shall be its duty, to furnish a sufficient number of school buses to the North Carolina State Guard or the National Guard, and to permit the use of such school buses by the State Guard or the National Guard for the purpose of transporting members of the State Guard or National Guard to and from authorized places of encampment, or for the purpose of transporting members of the State Guard or National Guard to places where they are needed and authorized to go for the purpose of suppressing riots or insurrections or repelling invasions. Such buses, when used for the transportation of members of the State Guard or National Guard, shall be operated by members or employees of these organizations and the expenses of such operation and of repairs occasioned by such operation shall be paid from the appropriations available for the use of the State Guard or the National Guard."

Expenses of operation and repair of buses when used by State or National Guard.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 279

## CHAPTER 198

AN ACT TO AMEND SECTION ONE THOUSAND SEVEN HUNDRED AND FORTY-FOUR OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED, RELATIVE TO THE SALE OF CONTINGENT REMAINDERS, SO AS TO AUTHORIZE THE TEMPORARY REINVESTMENT OF FUNDS IN UNITED STATES BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one thousand seven hundred and forty-four of Volume three of the Consolidated Statutes of North Carolina, as amended by Chapter two hundred and eighty-one of the Public Laws of one thousand nine hundred and twenty-five, and other Acts, relating to the sale of contingent remainders, is hereby further amended by striking from the first sentence of the fourth paragraph thereof the words "in coupon or registered bonds of the United States of America (commonly called Liberty Bonds) issued incident to the late war between the United States and the Imperial German Government," and inserting in lieu thereof the words "in any direct obligation of the United States of America or any indirect obligation guaranteed both as to principal and interest"; and by striking from the second sentence of the fourth paragraph the words "in liberty bonds" and inserting in lieu thereof the words "in any direct obligation of the United States of America or any indirect obligation guaranteed both as to principal and interest." The intent and purpose of this Act is to enable the clerk of the Superior Court temporarily to reinvest funds received from the sale of contingent remainders in United States bonds and bonds guaranteed as to principal and interest by the United States.

C. S. 1744, vol. 3, relating to sale of contingent remainders, amended.

Temporary reinvestment of funds from sale of contingent remainders in bonds issued or guaranteed by U. S. authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 280

## CHAPTER 199

AN ACT TO PROVIDE A HOG CHOLERA PREVENTION PROGRAM FOR CURRITUCK COUNTY AND TO PERMIT THE SALE AND USE OF HOG CHOLERA VACCINE THEREFOR.

*The General Assembly of North Carolina do enact:*

Program for prevention of hog cholera in Currituck County.

Vaccinators to be appointed in each township.

Qualifications of vaccinators.

Provision for sale and distribution of vaccine.

Refrigeration for vaccine.

Cost of vaccine.

Periods for vaccinations.

Cost of vaccinations.

SECTION 1. The Board of Commissioners of Currituck County is hereby authorized and empowered to institute a county-wide program for the prevention of hog cholera. For the purpose of such program, it shall appoint from each township in Currituck County one suitable and qualified resident who has been recommended by the county agent to work as vaccinators under the supervision and direction of the county agent. To be qualified for appointment by the board of commissioners, such person must be trained and competent in all phases of hog cholera prevention. The board shall have authority to revoke for cause any appointment made under the authority of this Act.

The board shall grant to the county agent and the vaccinators so appointed permission in writing to distribute, sell, or use in Currituck County any vaccine, virus or serum for the prevention of hog cholera manufactured in conformity with the provisions of Section four thousand eight hundred and seventy-nine of the Consolidated Statutes, and it shall be lawful for them to so distribute, sell or use such vaccine, virus or serum. The board shall provide adequate refrigeration space near the county agent's office for a quantity of vaccine, virus or serum sufficient for the purposes of this Act. The county agent shall purchase vaccine, virus, or serum at wholesale prices, keeping an adequate supply on hand at all times, and shall distribute it to the vaccinators at cost plus ten cents per hundred cc. The ten cents per hundred cc shall be used to defray the expenses of the hog cholera prevention program and if there is any excess, it shall be used to sponsor a better extension livestock program in Currituck County.

Once each spring and once each fall, the county agent shall designate a period during which the vaccinators appointed by the board of commissioners shall vaccinate hogs throughout the county. At such time any grower may make application to the county agent or to the vaccinator in his township, and have his hogs vaccinated upon the payment of a fee set by the county agent. Such fees must not be discriminatory, but shall allow the vaccinator a reasonable profit. At any time other than the regular periods, any grower may make application to the county agent or the vaccinator in his township and have his hogs vaccinated, but must pay a fee determined by the county agent plus five cents a mile for traveling expenses of the vaccinator.

Each vaccinator shall keep a record of the amount of vaccine, virus, or serum purchased from the county agent, the number of hogs vaccinated, and the fees collected. Quarterly, he shall file a report thereof with the county agent, who shall keep such reports on permanent file in his office. The county agent shall keep a record of the amount of vaccine, virus, or serum purchased, the amount distributed to the vaccinators, and the amount on hand. On the first Monday of each December he shall make a report to the board of commissioners in which he shall incorporate the data on record in his office concerning the hog cholera prevention program. Such report shall be spread upon the minutes of the board.

Vaccinator to keep records.

Reports.

County Agent to report to Board of Commissioners.

SEC. 2. In so far as they are in conflict with this Act, Sections four thousand four hundred and ninety-two, four thousand eight hundred and seventy-nine of the Consolidated Statutes of one thousand nine hundred and nineteen, and Section five of Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and thirty-nine, shall not apply to any person in Currituck County distributing, selling, or using vaccine, virus, or serum for the prevention of hog cholera by authority of this Act.

Certain laws, when in conflict with this Act, not applicable.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 286

CHAPTER 200

AN ACT TO AMEND SUBSECTION ONE OF SECTION FOUR OF CHAPTER TWENTY-FIVE, OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, CREATING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subsection one, of Section four, of Chapter twenty-five, of the Public Laws of one thousand nine hundred and forty-one, be rewritten to read as follows:

Sec. 4, Ch. 25, Public Laws, 1941, amended.

“(1) Under such rules and regulations as the board of trustees shall adopt, each member, who was a teacher or state employee at any time during the five years immediately preceding the establishment of the system and who becomes a member during the first year of operation of the Retirement System, shall file a detailed statement of all North Carolina service as a teacher or State employee rendered by him prior to the date of establishment for which he claims credit.”

Certain members of Teachers' and State Employees' Retirement System to file statement of service as teacher or State employee.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 297

## CHAPTER 201

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AS TO THE DEFINITION OF CONTRACT HAULER VEHICLES UNDER THE MOTOR VEHICLE LAW.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 196, Public Laws, 1941, relating to the definition of contract hauler vehicles, amended.

SECTION 1. That Section one of Chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and forty-one, amending Section two, Subsection (r) (1) of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same hereby is, amended by striking out the period at the end of said section and substituting a comma therefor, and by adding thereto the following: "nor to merchandise hauled for neighborhood farmers incidentally and not as a regular business in going to and from farms and primary markets."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 298

## CHAPTER 202

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, SO AS TO EXCLUDE FROM THE DEFINITION OF FOR HIRE PASSENGER VEHICLES, VEHICLES OPERATED ON A "SHARE THE EXPENSE" PLAN.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 407, Public Laws, 1937, amended to exclude vehicles operated on "share the expense" plan from definition of For Hire Passenger Vehicles.

SECTION 1. That that portion of Section two of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, designated (2), is hereby amended by changing the period at the end thereof to a comma and adding

thereto the following: "nor shall this classification include automobiles operated by the owner where the cost of operation is shared by the passengers on a 'share the expense' plan."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 307

### CHAPTER 203

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FOURTEEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, THE NORTH CAROLINA SEED LAW, TO INCLUDE HYBRID CORN SEED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter one hundred and fourteen, Public Laws of one thousand nine hundred and forty-one be amended by adding Subsection j as follows: "j. The term 'hybrid' as applied to field corn, sweet corn, or popcorn seed shall represent the first generation of a cross involving one, two, three, or four different inbred lines of corn or their combinations. An 'inbred line' is a line of corn that has been developed as a result of not less than five generations of controlled self-fertilization or the equivalent."

Sec. 3, Ch. 114,  
Public Laws,  
1941, amended.

"Hybrid" as  
applied to certain  
corn defined.

"Inbred line"  
defined.

SEC. 2. That Section four of Chapter one hundred and fourteen, Public Laws of one thousand nine hundred and forty-one be amended by adding a new subdivision designated as (ten) under Subsection (a) as follows: "(10). All hybrid corn seed shall have plainly written or printed on the tag or label the name and/or number by which the hybrid is commonly designated."

Sec. 4, Ch. 114,  
Public Laws,  
1941, amended.

Designation of  
hybrid corn  
seed.

SEC. 3. That Section five of Chapter one hundred and fourteen, Public Laws of one thousand nine hundred and forty-one be amended by adding a new subdivision designated as (four) under Subsection (b) as follows: "(4). To sell, offer, or expose for sale any hybrid corn seed that has not been recorded with the commissioner annually giving the pedigree of the hybrid and the name of the person who developed each inbred line involved in the cross."

Sec. 5, Ch. 114,  
Public Laws,  
1941, amended.

Unlawful to  
sell hybrid corn  
seed without  
recording certain  
information with  
Commissioner of  
Agriculture.

SEC. 4. That Section six of Chapter one hundred and fourteen, Public Laws of one thousand nine hundred and forty-one be amended by adding Subsection (h) as follows: "(h). To

Sec. 6, Ch. 114,  
Public Laws,  
1941, amended.

Commissioner authorized to record hybrid corn seed tested by N. C. Agricultural Experiment Station.

Commissioner may refuse to record inferior hybrid corn seed.

Conflicting laws repealed.

Effective date.

record annually the hybrid corn seed which has been tested the previous year in the official variety tests of the North Carolina Agricultural Experiment Station in the section or sections of the State where it is to be offered for sale. The commissioner by and with the advice of the Director of the North Carolina Agricultural Experiment Station may refuse to record any hybrid seed corn which has been shown to be inferior."

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect on and after the first day of January one thousand nine hundred and forty-four.

Ratified this the 22nd day of February, 1943.

## H. B. 310

## CHAPTER 204

AN ACT TO AMEND SECTION SEVEN, CHAPTER FORTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, ENTITLED "AN ACT TO AMEND CERTAIN SECTIONS IN THE PRESENT BANKING LAWS, BEING CHAPTER FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE AND AMENDMENTS THERETO," AS AMENDED, SO AS TO STRIKE OUT THE SECTION ENACTED BY SAID SECTION SEVEN AND BY SUBSTITUTING A NEW SECTION FOR THE SECTION STRICKEN OUT.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 47, Public Laws, 1927, amended.

SECTION 1. That Section seven, Chapter forty-seven, Public Laws of one thousand nine hundred and twenty-seven as amended by Chapter four hundred and nineteen, Public Laws of one thousand nine hundred and thirty-seven be and the same hereby is amended by striking out all of said Section seven after the words "loans, limitations of." and the proviso enacted in Section one, Chapter four hundred and nineteen, Public Laws of one thousand nine hundred and thirty-seven, and inserting in lieu thereof the following:

Indebtedness of any person, firm or corporation to bank limited to specified percentage of bank's unimpaired capital and permanent surplus.

"The total direct and indirect liability of any person, firm or corporation, other than a municipal corporation for money borrowed, including in the liabilities of a firm, the liabilities of the several members thereof, shall at no time exceed twenty per cent of two hundred and fifty thousand dollars, or fractional part thereof, of the unimpaired capital and permanent surplus of the bank and not more than ten per cent of the excess of two hundred and fifty thousand dollars of the unim-

paired capital and permanent surplus of the bank: Provided, however, that the discount of bills of exchange drawn in good faith against actual existing values, the discount of solvent trade acceptances, or other solvent commercial or business paper actually owned by the person, firm or corporation negotiating the same and the purchase of any notes, secured by not less than a like face amount of bonds of the United States or State of North Carolina or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section: Provided, further, that the limitations of this section shall not apply to loans or obligations to the extent that they are secured or covered by guarantees or by commitments or agreements to take over or purchase the same, made by any Federal Reserve Bank or by the United States or any department, board, bureau, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States."

Discount of certain commercial paper or purchase of certain secured notes not considered money borrowed.

Limitations of this section inapplicable to obligations secured or covered by guarantees by U. S. and certain agencies thereof.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 314

## CHAPTER 205

AN ACT TO AUTHORIZE THE PARTICIPATION BY THE NORTH CAROLINA SCHOOL FOR THE DEAF AT MORGANTON IN THE FREE DISTRIBUTION OF TEXTBOOKS AND THE STATE TEXTBOOK RENTAL SYSTEM OPERATED BY THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the North Carolina School for the Deaf, at Morganton, North Carolina, shall have the right and privilege of participating in the distribution of free textbooks and in the purchase and rental system operated by the State of North Carolina in the same manner as any other public school in said State.

N. C. School for Deaf at Morganton permitted to participate in free textbook distribution and in State purchase and rental system.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 338

## CHAPTER 206

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE RELATING TO PENSIONS FOR SCHOOL TEACHERS IN NEW HANOVER COUNTY, TO PROVIDE THAT ANY PAYMENT FROM THE STATE RETIREMENT SYSTEM FUND BE DEDUCTED FROM THE PENSION ALLOWED BY THE COUNTY, AND TO CHANGE DATE OF PAYMENTS.

*The General Assembly of North Carolina do enact:*

Ch. 385, Public-Local Laws, 1921, amended.

SECTION 1. Chapter three hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-one is hereby amended by adding as a new section, to be numbered three (a), the following:

Certain deductions from pensions of employees of New Hanover County School System authorized.

"SEC. 3. (a). If any teacher, principal, supervisor, or superintendent, employed by the State of North Carolina in the New Hanover County school system, eligible to receive the pension provided for in this Act, shall also be eligible to receive a pension from the State of North Carolina under its Retirement System, the amount of such pension received from the State Retirement System fund shall be deducted from the sum provided by law to be paid to teachers, principals, supervisors, or superintendents of the New Hanover County school system. The remainder shall be the amount due to such teacher, principal, supervisor, or superintendent by the County of New Hanover."

Sec. 2, Ch. 385, Public-Local Laws, 1921, amended.

SEC. 2. Section two of Chapter three hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-one is hereby amended by striking out the following words in the last two lines of the Section: "on the first days of January, April, June and October of each year," and by inserting in lieu thereof the following: "on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, of each year."

Sec. 3, Ch. 385, Public-Local Laws, 1921, amended.

SEC. 3. Section three of Chapter three hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-one is hereby amended by striking out the following words in the last two lines: "on the first days of January, April, June and October of each year," and by inserting in lieu thereof the following: "on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, of each year."

Application of Act.

SEC. 4. This Act shall apply to New Hanover County only.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 351

CHAPTER 207

AN ACT TO AMEND SECTION EIGHT OF CHAPTER TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE CREATING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Subdivision (c) of Subsection one of Section eight of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby, amended by inserting between the word "pays" and the colon in line fourteen of said subdivision the following: "and shall transmit same to the State Retirement System monthly."

Sec. 8, Ch. 25,  
Public Laws,  
1941, amended.

Method of making certain payments by city and county Boards of Education to State Retirement System.

SEC. 2. That Subdivision two of Subsection five of Section eight of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one be amended by adding a new paragraph, designated as Paragraph (e), as follows:

Sec. 8, Ch. 25,  
Public Laws,  
1941, amended.

"(e) Each employer shall transmit monthly to the State Retirement System on account of each employee, who is a member of this system, an amount sufficient to cover the normal contribution and the accrued liability contribution of each member employed by such employer for the preceding month."

Employer to make contributions to State Retirement System monthly on account of employee.

SEC. 3. That Subsection one of Section eight of Chapter twenty-five, Public Laws of one thousand nine hundred and forty-one, be amended by adding a new subdivision, designated as Subdivision (e), as follows:

Sec. 8, Ch. 25,  
Public Laws,  
1941, amended.

"(e) Subject to the approval of the board of trustees, any member, who is on leave of absence on account of military service or for any other purpose which might tend to increase the efficiency of the services of the member to his or her employer, may make monthly contributions to the Retirement System on the basis of the salary or wage such member was receiving at the time such leave of absence was granted."

Member of State Retirement System on leave of absence may make contributions to System in certain instances.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

## H. B. 365

## CHAPTER 208

## AN ACT TO AUTHORIZE THE EMPLOYMENT OF A COUNTY SUPERINTENDENT OF SCHOOLS IN TYRRELL COUNTY DURING THE PRESENT EMERGENCY.

## Preamble:

Resignation tendered by Superintendent of Public Instruction of Tyrrell County.

WHEREAS, the present Superintendent of Public Instruction of Tyrrell County has tendered his resignation to become effective on March first, one thousand nine hundred and forty-three; and

## Necessary to fill vacancy.

WHEREAS, it is necessary that the County Board of Education of Tyrrell County fill the vacancy caused by said resignation; and

To obtain superintendent possessing qualifications required by law will deprive some other county or city administrative unit.

WHEREAS, in order for the County Board of Education of Tyrrell County to fill said vacancy by the election of a person possessing the qualifications required by Section six of the School Machinery Act, one thousand nine hundred and thirty-nine, it will only result in depriving some other county or city administrative unit in the State of North Carolina of the services of a person who now holds the position of county or city superintendent of schools; and

Person capable of filling position but not possessing educational requirements of School Machinery Act can be obtained.

WHEREAS, it is possible for the County Board of Education of Tyrrell County to secure the services of a person who, although not possessing the full educational qualifications required by the School Machinery Act, will be able to capably and efficiently fill the office of County Superintendent of Schools in Tyrrell County; and

Board of Education of Tyrrell County desires to fill vacancy during war without upsetting organization of other school units.

WHEREAS, it is the desire of the County Board of Education of Tyrrell County, during the present emergency caused by the great world conflict now in progress, to fill the office of county superintendent of schools in said county without being forced to upset the organization in some other county or city administrative unit in this State; and

Interest of Tyrrell County and State promoted by electing superintendent not possessing educational qualifications required by Machinery Act.

WHEREAS, the interest of Tyrrell County and the State as a whole will be promoted by allowing the County Board of Education of Tyrrell County to elect a county superintendent of schools who may not be able to strictly meet the educational requirements provided for in the School Machinery Act: Now, therefore,

*The General Assembly of North Carolina do enact:*

Board of Education of Tyrrell County authorized to employ superintendent who does not meet educational requirements of School Machinery Act.

SECTION 1. That the Board of Education of Tyrrell County be, and it is hereby, authorized and empowered to fill the vacancy in the office of the County Superintendent of Tyrrell County by naming some person to fill such vacancy who does not meet the educational requirements provided for in Section six of the School Machinery Act of one thousand nine hundred and thirty-nine.

SEC. 2. That, upon the election of such person to fill the office of County Superintendent of Schools of Tyrrell County, the county board of education of said county shall certify the name of such person to the State Superintendent of Public Instruction and the State Superintendent of Public Instruction and the State School Commission or the State Board of Education, as the case may be, are authorized and directed to approve such person so elected as Superintendent of Schools of Tyrrell County without regard for the educational requirements provided for in Section six of the School Machinery Act of one thousand nine hundred and thirty-nine.

State Superintendent of Public Instruction and State School Commission authorized to approve such appointment without regard for educational requirements of Machinery Act.

SEC. 3. This Act shall apply only to filling the present vacancy in the office of County Superintendent of Tyrrell County and to the reelection of such person as may be chosen to fill said vacancy, and when the person so chosen to fill said vacancy ceases to be Superintendent of Schools in Tyrrell County, the authorization provided for in this Act shall terminate and the requirements as to educational qualifications provided for in Section six of the School Machinery Act of one thousand nine hundred and thirty-nine, or any amendments thereto, shall be applicable to persons applying for the position of County Superintendent of Schools of Tyrrell County.

Act applies to present vacancy only.

Authorization provided herein terminates when person chosen to fill vacancy ceases to be superintendent.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 376

## CHAPTER 209

AN ACT TO EXTEND THE TERM OF OFFICE OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF MACON COUNTY AND TO PROVIDE FOR THE ELECTION AND COMPENSATION OF THE MEMBERS OF SAID BOARD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general election for county officers to be held in Macon County in the year one thousand nine hundred and forty-six and quadrennially thereafter, there shall be elected by the qualified voters of said county a chairman and two members of the board of county commissioners. That the chairman and the members of the board of county commissioners elected in the year one thousand nine hundred and forty-two shall hold office for a term of four years from the first Monday in December, one thousand nine hundred and forty-two or until their successors are elected and duly qualified.

Term of office of Board of Commissioners of Macon County.

Members of Board elected in 1942 to hold office for 4 years.

Compensation  
of members of  
Board.

SEC. 2. That the chairman and members of the board of county commissioners of said county shall each receive the sum of five dollars (\$5.00) per day and five cents (5¢) per mile for each mile traveled in going to and from their residences to the place of meeting for attending each meeting of the board of county commissioners, provided however, that the chairman of said board of commissioners shall receive the sum of five dollars (\$5.00) per day and mileage for the time spent necessarily while employed in the discharge of his duties as such officer, but in no case shall the chairman or any member of said board receive pay for more than ten (10) days spent in the performance of their duties in any one calendar month.

Method of filling  
vacancies in  
Board.

SEC. 3. That any vacancy occurring in the office of chairman or member of the board of commissioners by death, resignation or otherwise shall be filled by the remaining members of said board and they are hereby authorized and empowered to fill any vacancy which may occur in said board.

Conflicting  
laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 413

## CHAPTER 210

### AN ACT TO TAX AND REGULATE PROFESSIONAL BONDSMEN IN WAYNE COUNTY.

*The General Assembly of North Carolina do enact:*

Privilege license  
required for  
professional  
bondsmen in  
Wayne County.

SECTION 1. Every person, firm, association or corporation, who shall engage in the business of signing, executing, and becoming surety on appearance bonds in any court in Wayne County for a fee or compensation, shall apply for and obtain from the County of Wayne, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Wayne County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year.

Amount of said  
license tax.

SEC. 2. In addition to the privilege license provided for in Section one of this Act, every person, firm, association or corporation, who shall engage in the business of signing, executing and becoming surety on appearance bonds in any court in Wayne County for a fee or compensation, shall, as a condition precedent to signing, executing, and becoming surety upon any appearance bond, deposit with the Clerk of the Superior Court of Wayne County not less than one thousand dollars (\$1,000.00) in cash or marketable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of the Superior Court of Wayne County that such cash or marketable securities shall, at all times, be available for the purpose of the payment of any bonds signed by such person, firm, association or corporation, which has been declared by the court to be forfeited. If the amount of any such forfeited bond is not paid within ten days from the date of the forfeiture, the Clerk of the Superior Court of Wayne County is authorized to apply the amount of the forfeiture out of said deposit and the person, firm, association, or corporation, whose deposit is thus reduced, shall immediately, upon notice by the Clerk of the Superior Court of Wayne County, deposit an additional sum with the Clerk of the Superior Court of Wayne County in order that the deposit shall always be in at least the sum of one thousand dollars (\$1,000.00), either in cash or marketable securities.

Deposit with  
C. S. C. of  
Wayne County  
required of  
bondsmen.

Deposit to be  
available for  
payment  
of bonds.

Application of  
deposit to pay-  
ment of for-  
feited bonds  
remaining unpaid  
ten days  
authorized.

Deposit always  
to be at least  
\$1,000.00.

SEC. 3. No person, firm, association, or corporation, who shall execute or become surety upon any appearance bond in any court in Wayne County, shall charge as a fee therefor, and for all services in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, provided that a minimum fee of five dollars (\$5.00) is allowed where the amount of the bond is one hundred dollars (\$100.00), or less.

Fees for appear-  
ance bonds.

SEC. 4. No licensed attorney shall become surety on any appearance bond in a criminal action instituted or pending in any court in Wayne County, and no defendant in any such criminal action shall be executed from giving an appearance bond upon the mere assurance of the defendant's attorney that such defendant will be present at the time required by the court.

Attorneys pro-  
hibited from  
being surety  
on appearance  
bonds in cri-  
minal actions in  
Wayne County.

SEC. 5. Any person, firm, association, or corporation, who shall engage in the business defined in Section one of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Violation made  
misdemeanor.

Act inapplicable to surety or bonding companies licensed by Insurance Department. Application of Act.

Conflicting laws repealed.

SEC. 6. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

SEC. 7. That this Act shall apply to Wayne County only.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 424

### CHAPTER 211

AN ACT TO EXCEPT ROWAN COUNTY FROM CERTAIN PROVISIONS OF SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED STATUTES.

*The General Assembly of North Carolina do enact:*

C. S. 1681 amended to exclude Rowan County from certain portions of said section.

SECTION 1. All that portion of Section one thousand six hundred and eighty-one of the Consolidated Statutes of North Carolina after the word "collected" in line three, shall not apply to the County of Rowan; and the County of Rowan is hereby excepted therefrom.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 435

### CHAPTER 212

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO PAY FROM FEDERAL FUNDS NOW OR HEREAFTER IN ITS POSSESSION FOR WORK DONE AND SERVICES PERFORMED BY CERTAIN CONTRACTORS AND OTHERS ON A HYDRO-ELECTRIC PROJECT ON THE YADKIN RIVER IN NORTH CAROLINA, WHICH THE CITY IS NOW LIQUIDATING, SUBJECT TO APPROVAL OF PUBLIC WORKS ADMINISTRATION OF FEDERAL WORKS AGENCY OF THE UNITED STATES OF AMERICA.

Preamble:  
City of High Point attempted to construct hydro-electric project which Supreme Court ruled was beyond powers of City.

WHEREAS, the City of High Point has attempted to construct a hydro-electric project on the Yadkin River which the Supreme Court of North Carolina ruled was beyond the powers vested in the City of High Point; and

WHEREAS, the City of High Point in the attempted construction of such project incurred costs, claims, obligations and expenditures for work performed, services rendered or materials supplied which, except for the ruling of the Supreme Court, the city would be legally compelled to honor and pay and has paid with moneys advanced by the United States of America acting by and through the Public Works Administration certain of said costs, claims, obligations and expenditures incurred in connection with the project; and

Certain obligations incurred in said project which city would be obligated for, except for ruling of court.

Certain obligations paid with moneys advanced by U. S. through Public Works Administration.

WHEREAS, there is some question in view of the rulings of the Supreme Court of North Carolina as to the power of the city to pay the costs, claims and obligations so incurred remaining unpaid with moneys advanced and to be advanced by way of grant by the United States of America acting by and through the Public Works Administration: Now, therefore,

Uncertainty as to power of city to pay unpaid obligations with moneys advanced by U. S. through Public Works Administration.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the City of High Point is hereby authorized and empowered to pay with funds made and to be made available therefor by the United States of America, acting by and through the Public Works Administration, or any other authorized agency, such costs, claims, obligations and expenditures as have been incurred by the City of High Point in connection with the hydro-electric project on the Yadkin River as are approved by the city and by the United States of America acting by and through the Public Works Administration or any other authorized agency.

City of High Point authorized to pay obligations incurred in hydro-electric project with funds furnished by U. S. through Public Works Administration or other agency.

SEC. 2. That all payments and disbursements heretofore made by the City of High Point in connection with the attempted construction of said project, approved by the United States of America acting by and through said administration or agency, out of funds provided and made available for the project by the United States of America, are hereby ratified and approved.

Payments heretofore made by said city on said project with funds provided by U. S., ratified and approved.

SEC. 3. That all future expenditures made by the City of High Point in liquidation of said project, with the prior approval of the United States of America, acting by and through the Public Works Administration, from moneys made available therefor by the United States of America, acting by and through said administration or other authorized agency, are hereby approved.

Future expenditures made in liquidation of said project, with approval of U. S., from moneys provided therefor by U. S., approved.

SEC. 4. That this Act shall not be construed as validating any contract between the City of High Point and any contractor for the construction of such hydro-electric project.

Act not to be construed as validating contract between city and any contractor for said project.

SEC. 5. This Act shall be in effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 470

## CHAPTER 213

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, KNOWN AS "THE MOTOR VEHICLE LAW OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN," WITH REFERENCE TO ELECTRIC TROLLEY COACHES AT GREENSBORO AND VICINITY.

*The General Assembly of North Carolina do enact:*

Sec. 80, Ch. 407,  
Public Laws,  
1937, amended.

SECTION 1. That Section eighty of Chapter four hundred and seven, Public Laws of one thousand nine hundred and thirty-seven, be amended by adding at the end thereof, the following, to-wit:

Size of electric  
trackless trolley  
coaches in  
Greensboro and  
vicinity,  
regulated.

"(h) The total width of any vehicle propelled by electric power obtained from trolley wires, but not operated upon rails, commonly known as an electric trackless trolley coach, which is operated as a part of the general trackless trolley system of passenger transportation of the City of Greensboro and vicinity, shall not exceed one hundred and two inches, and the total length, inclusive of front and rear bumpers, of any such vehicle shall not exceed thirty-six feet, and the height of any such vehicle, exclusive of trolley pole for operating same, shall not exceed twelve feet, six inches."

Sec. 82, Ch. 407,  
Public Laws,  
1937, amended.

SEC. 2. That Section eighty-two of Chapter four hundred and seven, Public Laws of one thousand nine hundred and thirty-seven, be amended by adding at the end thereof, the following, to-wit:

Gross weight  
of such coaches  
regulated.

"(j) The gross weight with normal load of passengers of any vehicle propelled by electric power obtained from trolley wires, but not operated upon rails, commonly known as an electric trackless trolley coach, which is operated as a part of the general trackless trolley system of passenger transportation of the City of Greensboro and vicinity, shall not exceed thirty thousand pounds."

Conflicting  
laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. B. 474

## CHAPTER 214

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE INCORPORATION AND MANAGEMENT OF THE WALNUT HILL CEMETERY IN ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter one hundred and three of the Private Laws of one thousand nine hundred thirty-five, relating to the incorporation and management of the Walnut Hill Cemetery in Ashe County, is hereby repealed.

Ch. 103, Private Laws, 1935, relating to Walnut Hill Cemetery in Ashe County, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

S. B. 99

## CHAPTER 215

AN ACT TO AMEND CHAPTER SIXTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO ORDINANCES FOR THE PUBLIC HEALTH OF THE STATE, TO BRING THE CITY OF REIDSVILLE WITHIN THE PROVISIONS OF THE ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Section one of Chapter sixty-four of the Public Laws of one thousand nine hundred and thirty-five be amended by striking out the word "Reidsville" in line thirty-seven thereof.

Sec. 1, Ch. 64, Public Laws, 1935, amended.

SEC. 2. That Chapter sixty four of the Public Laws of one thousand nine hundred and thirty-five be amended as follows: Add the words "save and except the City of Reidsville" between the word "Rockingham" and the semicolon in line six of Section two thereof, it being the intent and purpose of the General Assembly to place the City of Reidsville within the provisions of the Act.

Sec. 2, Ch. 64, Public Laws, 1935, amended to include the City of Reidsville under the provisions of said Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

## S. B. 135

## CHAPTER 216

## AN ACT TO FIX THE TERM OF OFFICE OF THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Term of office of Board of County Commissioners of Graham County.

SECTION 1. At the general election to be held in the year one thousand nine hundred and forty-four, and biennially thereafter, there shall be elected in Graham County by the qualified voters thereof a board of county commissioners who shall serve for a term of two years from the first Monday in December after their election, and until their successors are elected and qualified.

Ch. 55, Public-Local Laws, 1939, repealed.

Term of office of present Board of County Commissioners to expire December, 1944.

SEC. 2. That Chapter fifty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, specifically repealed and the term of office of the present Board of County Commissioners of Graham County shall expire on the first Monday in December, one thousand nine hundred and forty-four.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

## S. B. 157

## CHAPTER 217

## AN ACT TO CREATE AN ADDITIONAL COMMISSIONER'S DISTRICT FOR THE COUNTY OF ROBESON TO BE KNOWN AS DISTRICT NUMBER SIX.

*The General Assembly of North Carolina do enact:*

Additional Commissioner's district in Robeson County created.

Townships included.

SECTION 1. That for the purpose of creating an additional commissioner's district for the County of Robeson, Orrum, Fairmont, Marietta, and Sterlings Townships are hereby removed from their present districts and placed in a new district to be known as District Number six.

Nomination of Commissioner from new district.

SEC. 2. That at the primary election for county officers in Robeson County held in the year one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be nominated by each of the political parties a county commissioner from the sixth district mentioned in Section one of this Act, and the rules and regulations prescribed for the nomination of other County Commissioners of Robeson County shall be applicable to the nomination of a county commissioner in the sixth district mentioned in Section one of this Act.

SEC. 3. That at the general election to be held in November in the year one thousand nine hundred and forty-four for the election of county officers in Robeson County, and quadrennially thereafter, there shall be elected a commissioner for the sixth district of Robeson County who shall serve for a term of four years and until his successor is elected and qualified, and the candidate nominated from said district mentioned in Section one of this Act, at the primary election next preceding the general election, shall be voted for in the same manner as other County Commissioners for Robeson County.

Election of  
Commissioner  
from said  
district.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

H. B. 162

## CHAPTER 218

### AN ACT TO PROVIDE FOR THE PROBATE OF WILLS OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand one hundred and fifty-one of Volume three of the Consolidated Statutes of one thousand nine hundred and twenty-four is hereby rewritten to read as follows:

C. S. 4151, vol. 3,  
rewritten.

"4151. Probate of wills of members of the armed forces. In addition to the methods already provided in existing statutes therefor, the will of a member of the armed forces of the United States, or the Merchant Marine, executed while in the active service of the United States, shall be admitted to probate (whether there were subscribing witnesses thereto or not, if they, or either of them, is out of the State at the time said will is offered for probate) upon the oath of at least three credible witnesses that the signature to said will is in the handwriting of the person whose will it purports to be. Such will so proven shall be effective to devise real property as well as to bequeath personal estate of all kinds. This section shall not apply to cases pending in courts and at issue on the date of its ratification."

Method of probate  
of wills of mem-  
bers of Armed  
Forces.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Pending litiga-  
tion not affected.

Conflicting  
laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

## H. B. 318

## CHAPTER 219

AN ACT TO AUTHORIZE THE ATTESTATION OF DEEDS OF BANKS BY THE SECRETARY OR AN ASSISTANT SECRETARY OR BY THE CASHIER OR AN ASSISTANT CASHIER.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one thousand one hundred and thirty-eight of the Consolidated Statutes, as amended, is further amended by inserting at the end of the first sentence of the section the following: "If the corporation is a bank, the deed may be attested by the secretary or an assistant secretary or by the cashier or an assistant cashier of the bank."

SEC. 1½. All deeds heretofore executed by banks and attested by the cashier, assistant cashier, secretary or assistant secretary thereof, which deeds are otherwise regular and valid, are hereby validated: Provided, however, that this section shall not apply to pending litigation.

SEC. 2. This Act shall be effective upon its ratification.

Ratified this the 23rd day of February, 1943.

## H. B. 345

## CHAPTER 220

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AND CHAPTER TWO HUNDRED AND SIXTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE SALARY OF THE REGISTER OF DEEDS AND DEPUTY REGISTER OF DEEDS OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and thirty-nine of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out the words and figures in lines seven and eight "two thousand dollars (\$2,000.00)" and inserting in lieu thereof the words and figures "two thousand four hundred dollars (\$2,400.00)."

SEC. 2. Amend Chapter two hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirty-seven, Section one, line five, by striking out the words and figures "twelve hundred (\$1,200.00) dollars" and inserting in lieu thereof the words and figures "one thousand five hundred (\$1,500.00) dollars."

C. S. 1138,  
amended.

Deed by bank  
may be attested  
by secretary or  
cashier.

Certain deeds  
heretofore  
executed by  
banks validated.

Pending litigation  
not affected.

Sec. 1, Ch. 139,  
Public-Local  
Laws, 1935, rela-  
tive to the salary  
of the Register  
of Deeds of  
Franklin County,  
amended.

Ch. 261, Public-  
Local Laws, 1937,  
amended.

SEC. 3. That this Act shall be effective as of February first, one thousand nine hundred and forty-three. Effective date.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

H. B. 405

## CHAPTER 221

AN ACT TO MAKE RETROACTIVE THE PROVISIONS OF A REGULATION OF NORTH CAROLINA DEPARTMENT OF REVENUE, SALES AND USE TAX DIVISION, IN REGARD TO APPLICATION OF SALES AND USE TAXES TO OCULISTS, OPTOMETRISTS AND OPTICIANS, IN ORDER TO REMEDY INEQUALITIES IN TAXATION.

WHEREAS, the Revised Sales Tax Rules and Regulations of one thousand nine hundred and thirty-seven, Article VIII, Section ten, provided that sales made by optometrists, opticians, oculists, eye physicians, et cetera, of tangible personal property, consisting of eyeglasses, frames, et cetera, were taxable sales and subject to the three per cent (3%) retail rate of tax; and Preamble:  
Certain sales by optometrists, etc., ruled taxable by Revised Sales Tax Rules and Regulations of 1937.

WHEREAS, less than two fifths of optometrists throughout the State complied with the provisions of said Revised Sales Tax Rules and Regulations of one thousand nine hundred and thirty-seven, and paid said tax as required by said regulation; and Few optometrists paid said tax.

WHEREAS, on the twelfth day of January, one thousand nine hundred and forty-two, the North Carolina Department of Revenue, Sales and Use Tax Division, promulgated a regulation repealing the aforesaid Regulation number ten, under Group VIII, of the Revised Rules and Regulations, effective as of July first, one thousand nine hundred and thirty-seven, and providing that thereafter such optometrists, opticians, oculists, eye physicians, et cetera, should not be taxable as provided by the one thousand nine hundred and thirty-seven regulation; and, the result of this revised regulation was that sales taxes were not collected from those optometrists who had not paid the tax under the one thousand nine hundred and thirty-seven regulation; and Aforesaid regulation repealed by Department of Revenue by regulation promulgated January 12, 1942.

WHEREAS, it is just and proper that the minority of optometrists who complied with the former regulation be refunded the respective amounts paid by each of them thereunder in order that those who paid the tax may be placed on the same basis as those who did not; Now, therefore, Sales taxes not collected from optometrists who had not paid the tax under the 1937 regulation.

Tax collected from those optometrists who complied with regulation should be refunded.

*The General Assembly of North Carolina do enact:*

Terms of regulation promulgated January 12, 1942 as to application of sales tax to optometrists, etc., made retroactive to July 1, 1937.

SECTION 1. That the terms and provisions of the Regulation of the North Carolina Department of Revenue, Sales and Use Tax Division, in regard to application of sales and use taxes to oculists, optometrists and opticians, dated the twelfth day of January, one thousand nine hundred and forty-two, be and the same are hereby made retroactive in effect to July first, one thousand nine hundred and thirty-seven.

Certain refunds authorized.

SEC. 2. That the North Carolina Department of Revenue is hereby authorized and empowered to make refunds to all those certain taxpayers who complied by paying said taxes with the provisions of Regulation number ten, under Group VIII of Revised Rules and Regulations of the North Carolina Department of Revenue, Sales and Use Tax Division, effective as of July first, one thousand nine hundred and thirty-seven, upon proof satisfactory to the Commissioner of Revenue that said taxes were paid.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

H. B. 418

## CHAPTER 222

AN ACT TO AMEND SECTION FIVE HUNDRED AND SEVENTY-NINE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, SO AS TO PERMIT EITHER PARTY TO FILE EXCEPTIONS TO THE REPORT OF A REFEREE WITHIN THIRTY DAYS FROM THE FILING THEREOF.

*The General Assembly of North Carolina do enact:*

C. S. 579 amended to permit either party to except to referee's report within 30 days from filing.

SECTION 1. Section five hundred and seventy-nine of the Consolidated Statutes of North Carolina be, and the same hereby is, amended by adding between the word, "to," and the word, "and" in the second sentence thereof, the following: "by either party within thirty days from the filing of the report."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

H. B. 612

## CHAPTER 223

## AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO OFFER REWARDS FOR FUGITIVES FROM JUSTICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Guilford County are authorized and empowered, in their discretion, upon the request of the Sheriff of Guilford County, to offer rewards for the capture and/or conviction of fugitives from justice, or any person or persons alleged to have committed a crime in the County of Guilford. The board of county commissioners, upon the offering of any reward, shall fix the amount and the terms and conditions of the offering thereof, and shall be the sole judge as to who may be entitled to the collection of any reward. Said reward, if paid, shall be paid by the order of the board of county commissioners from the General Fund of the County of Guilford.

Board of County Commissioners of Guilford County may offer rewards for capture of fugitives from justice, on request of Sheriff.

Reward paid by order of Board.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 23rd day of February, 1943.

S. B. 173

## CHAPTER 224

## AN ACT AUTHORIZING THE COUNTY OF ALAMANCE TO ISSUE HOSPITAL BONDS UNDER THE PROVISIONS OF THE COUNTY FINANCE ACT, AS AMENDED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That notwithstanding the limitation contained in Section one of Chapter three hundred and ninety-two of the Public-Local Laws of one thousand nine hundred and forty-one on the amount of bonds which may be issued by the County of Alamance for hospital purposes, the county may issue additional bonds for such purposes, within the limitation contained in the County Finance Act, as amended, if approved by the vote of a majority of the qualified voters of said county at an election called and held in the manner provided by the County Finance Act, as amended. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Alamance County may issue additional bonds for hospital purposes.

Approval of voters required.

Method of issuance of bonds.

SEC. 2. That the powers granted by this Act are granted in addition to, and not in substitution for, existing powers of said county.

Powers herein granted in addition to existing powers.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. B. 107

CHAPTER 225

AN ACT TO AMEND ARTICLE FIVE OF CHAPTER EIGHTY-FOUR OF VOLUME TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO COMMERCIAL FEEDING STUFFS.

*The General Assembly of North Carolina do enact:*

C. S. 4725,  
rewritten.

SECTION 1. That Section four thousand seven hundred and twenty-five of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

Weight of packages of concentrated commercial feeding stuffs prescribed.

"4725. Weight of packages prescribed. All concentrated commercial feeding stuffs, except that in bags or packages of five pounds or less, shall be in standard weight bags or packages of ten, twenty-five, fifty, seventy-five, one hundred, one hundred and twenty-five, one hundred and fifty, one hundred and seventy-five, and two hundred pounds."

Sec. 2, Ch. 354,  
Public Laws,  
1939, amended.

SEC. 2. That Section two of Chapter three hundred and fifty-four of the Public Laws of one thousand nine hundred and thirty-nine, amendatory of Consolidated Statutes, Section four thousand seven hundred and twenty-seven, is hereby amended to read as follows:

C. S. 4727,  
amended.

"SEC. 2. That Section four thousand seven hundred and twenty-seven of the Consolidated Statutes be and the same is hereby amended by adding at the end of said section the following:

Certain annual registration fees prescribed for filing statement as to concentrated commercial feeding stuffs.

"For each and every statement so filed, there shall be paid to the Commissioner of Agriculture an annual registration fee of one dollar (\$1.00), payable at the time of registration: Provided, that for each brand of commercial feeding stuff marketed in packages of five pounds or less, there shall be paid to the Commissioner of Agriculture an annual registration fee of twenty-five dollars (\$25.00): Provided, further, that manufacturers, importers, jobbers, agents, or sellers who pay the twenty-five dollars (\$25.00) registration fee prescribed by the above provision on any feeding stuff, shall not be liable for the tonnage fee, prescribed by Section four thousand seven hundred and thirty, on the feeding stuff on which said twenty-five dollar (\$25.00) fee is paid.

"All registration fees are payable at the time of registration, and shall be payment in full of registration fees through December thirty-first of the year in which paid. All such feeds must be registered anew each year."

Registration fees payable at time of registration.

SEC. 3. That Article five of Chapter eighty-four of Volume two of Consolidated Statutes of one thousand nine hundred and nineteen, as amended, is hereby further amended by inserting a new section to follow immediately after Section four thousand seven hundred and twenty-eight, to be numbered Section four thousand seven hundred and twenty-eight (a), and to read as follows:

Art. 5, Ch. 84 of C. S. of 1919, amended.

"4728 (a). Registrants required to furnish commissioner with statement of tonnage sold in this State. Each person registering feeding stuff under this article shall furnish the Commissioner of Agriculture with a written statement of the tonnage of each grade or brand of feed sold by him in this State. This statement shall include all sales for the periods from January first to and including December thirty-first of each year. If the above statement is not made within thirty days from the date of notification by the commissioner, he may, in his discretion, invoke a penalty of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) on, or cancel the registration of, any person failing to so comply. The commissioner, however, in his discretion, may grant a reasonable extension of time."

Registrants required to furnish Commissioner of Agriculture statement of tonnage of feeding stuff sold in this State.

Penalties for failure to comply.

SEC. 4. That the last proviso of Section four thousand seven hundred and thirty-three of Volume two of Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

C. S. 4733, amended.

"Provided, further, that if the analysis of any such sample differs within reasonable limits only from the statement (prescribed in Section four thousand seven hundred and twenty-four above) appearing upon the goods, the manufacturer shall be considered as having complied with the requirements of this article."

Where sample differs within reasonable limits only from statement on goods, manufacturer considered as having complied with this article.

SEC. 5. That Article five of Chapter eighty-four of Volume two of Consolidated Statutes of one thousand nine hundred and nineteen, as amended, is further amended by inserting a new section to follow immediately Section four thousand seven hundred and thirty-three, to be numbered Section four thousand seven hundred and thirty-three (a), and to read as follows:

Art. 5, Ch. 84, C. S. of 1919, amended.

"4733 (a). Misbranding; penalty; payable to purchaser; value of feed; deficiencies of weight. If the analysis shall show that any feed bearing a guaranteed analysis of twenty-four per cent protein or less falls as much as five per cent (five per cent of the guarantee) and not more than ten per cent (ten per

Penalties for deficiency of protein or fat below guaranteed analysis.

cent of the guarantee) below the guaranteed analysis in protein, twice the value of such deficiency shall be assessed against the manufacturer or guarantor. If the feed shall fall over ten per cent below the guaranteed analysis in protein, the penalty assessed shall be three times the value of the deficiency.

"If the analysis shall show that any feed bearing a guaranteed analysis of more than twenty-four per cent protein falls as much as two per cent (two per cent of the guarantee) and not more than four per cent (four per cent of the guarantee) below the guaranteed analysis in protein, twice the value of such deficiency shall be assessed against the manufacturer or guarantor. If the feed shall fall over four per cent below the guaranteed analysis in protein, the penalty assessed shall be three times the value of the deficiency. If the analysis shall show that any feed is deficient in fat by more than fifty hundredths per cent (one half unit), the penalty shall be twice the value of the deficiency.

Penalty for excessive fiber content.

"If the fiber content of any lot of feed shall exceed the maximum guarantee by more than two per cent (two units), a penalty shall be assessed equal to ten per cent of the value of the feed.

Penalty for mislabeling.

"If the microscopic analysis reveals that the feed is mislabeled, the commissioner may, in his discretion, assess a penalty equal to ten per cent of the value of the feed.

Minimum penalty.

"The minimum penalty under any of the foregoing provisions shall in no case be less than three dollars (\$3.00), regardless of the value of the deficiency.

Time and manner of payment of penalties.

"Within sixty days from the date of notice by the commissioner to the manufacturer, guarantor, dealer, or agent, all penalties assessed and collected under this section shall be paid to the purchaser of the lot of feed represented by the sample analyzed. When such penalties are paid, receipts shall be taken and promptly forwarded to the Commissioner of Agriculture. If said consumers cannot be found, the amount of the penalty assessed shall be paid to the Commissioner of Agriculture who shall deposit the same in the Department of Agriculture fund, of which the State Treasurer is custodian. Such sums as shall thereafter be found to be payable to consumers on lots of feed against which penalties were assessed shall be paid from said fund on order of the Commissioner of Agriculture. After a twelve months' period such sums as have not been paid to consumers on lots of feed against which said penalties were assessed may be used by the Commissioner of Agriculture as he may see fit for the purpose of promoting the agricultural program of the State.

“The approximate retail value per pound and per unit of the various guarantees shall be computed by the commissioner and be used to establish the relative value of the feed sold or offered for sale in this State. The commissioner is authorized to furnish, upon application, such relative values to any persons engaged in the manufacture or sale of feed in this State.

Relative values of feed sold in State to be established by Commissioner of Agriculture.

“If any feed is found by an inspector of the Department of Agriculture to be short in weight, the manufacturer or guarantor of said feed shall, within ten days of official notice from the Department of Agriculture, make good such deficiency and pay to the consumer a penalty equal to four times the value of the actual shortage. The commissioner, in his discretion, may allow reasonable tolerances for short weight due to loss through handling and transporting.”

Penalty for short weight.

SEC. 5 (a). That Section four thousand seven hundred and thirty-seven of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

C. S. 4737, rewritten.

“4737. Any manufacturer, importer, jobber, agent or dealer who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, in the discretion of the court.”

Violation made misdemeanor.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed; provided, this Act shall not repeal or nullify any of the provisions of Chapter two hundred and sixty-one of the Public Laws of one thousand nine hundred and twenty-seven, known as the Uniform Weights and Measures Act, or any amendments thereto, or any rules and regulations promulgated pursuant to the authorization contained in said Act.

Conflicting laws repealed.

Ch. 261, Public Laws, 1927, known as Uniform Weights and Measures Act, not affected.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. B. 108

## CHAPTER 226

AN ACT TO AMEND ARTICLE SIX OF CHAPTER EIGHTY-FOUR OF VOLUME TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO STOCK AND POULTRY TONICS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand seven hundred and forty-two of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

C. S. 4742 rewritten.

Stock or poultry tonics to be registered with Commissioner of Agriculture before sale permitted.

"4742. Application and affidavit for registration. Before any condimental, patented, proprietary or trade-marked 'stock or poultry tonic,' 'regulator,' 'conditioner,' or 'vermicide' or any similar preparation, regardless of the specific name or title under which it is sold, which is represented as containing 'tonic,' 'remedial' or other 'medicinal' properties for domestic animals or poultry, either is sold or offered for sale in this State, by sample or otherwise, the manufacturer, importer, dealer, agent, or person who causes it to be sold or offered for sale shall file with the Commissioner of Agriculture an application for registration on a form to be furnished by said commissioner, the execution of which shall be sworn to before a notary public or other proper official for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand, or trade-mark under which said preparation or preparations will be sold, and a statement of the ingredients of said preparation, together with a labeled package of said preparation showing claims made for same, which labeling shall not be changed during the year for which the registration is made without consent of the Commissioner of Agriculture. The Commissioner of Agriculture shall decline to register a preparation that is injurious to the health of domestic animals or poultry, or that conflicts with the requirements of the North Carolina Food, Drug, and Cosmetic Law, or that the name, trade-mark, or label under which the preparation is sold may mislead or deceive the purchaser in any way, or that any statements, designs, or devices on the label or package regarding the substances contained therein are not true and correct, or that any claims made for the feeding, condimental, tonic, or medicinal value are false or misleading in any particular."

Contents of application for registration.

Labeling not to be changed during year of registration without consent of Commissioner.

Commissioner to decline to register certain preparations.

C. S. 4743 rewritten.

SEC. 2. That Section four thousand seven hundred and forty-three of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

Registration fee.

"4743. Registration fee. For the expense incurred in registering, inspecting, and analyzing 'stock or poultry tonics,' 'regulators,' 'conditioners,' 'vermicides,' and similar preparations defined in Section four thousand seven hundred and forty-two, a registration fee of twenty dollars for each separate brand shall be paid by the manufacturers or sellers of same to the Commissioner of Agriculture during the month of January in each year, said fees to be used by the Commissioner of Agriculture for executing the provisions of this article."

When payable.

C. S. 4744 rewritten.

SEC. 3. That Section four thousand seven hundred and forty-four of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

“4744. Sale of unregistered tonics a misdemeanor. Any person, company, corporation, or agent that shall offer for sale or expose for sale any package or sample or any quantity of any condimental, patented, proprietary, or trade-marked ‘stock or poultry tonic,’ ‘regulator,’ ‘conditioner,’ ‘vermicide,’ or any similar preparation, regardless of the title under which it is sold, which has not been registered as required by Section four thousand seven hundred and forty-two, or which may have been registered, but subsequently found by an analysis or examination made by or under the direction of the Commissioner of Agriculture to violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of fifty dollars (\$50.00) for the first offense and in the sum of one hundred dollars (\$100.00) for each subsequent offense.”

Sale of unregistered tonics a misdemeanor.

Penalties.

SEC. 4. That Section four thousand seven hundred and forty-nine of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby rewritten to read as follows:

C. S. 4749 rewritten.

“4749. Purpose of article. This article does not repeal any part of any concentrated commercial feeding stuff law which may be in effect in this State, but is designed to fully cover all preparations commonly known as condimental, patented, proprietary, or trade-marked ‘stock or poultry tonics,’ ‘regulators,’ ‘conditioners,’ ‘vermicides,’ and all similar preparations used for ‘tonic,’ ‘regulative,’ or ‘condition’ purposes, and to protect the public from deception and fraud in the sale of these specific products.”

Purpose of law.

Protection of public.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. B. 183

CHAPTER 227

AN ACT TO INCORPORATE THE TOWN OF AQUADALE IN STANLY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Town of Aquadale in Stanly County be and the same is hereby incorporated under the name and style of “Aquadale” and as such shall have all rights, powers and privileges conferred upon cities and towns by Chapter fifty-six of the Consolidated Statutes of North Carolina and the amendments thereto relating to municipal corporations.

Incorporation of Town of Aquadale in Stanly County.

Rights and powers.

## Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: The said corporate limits shall comprise a square area four thousand feet on each side, the center of same being at the intersection of Grace Street and Wilhoit Avenue; beginning at an iron stake at a point South eighty-nine and one half degrees West two thousand feet from the center of the intersection of Wilhoit Avenue and Grace Street; thence from said iron stake North one half degree West two thousand feet to an iron stake at a rock quarry in the Sam Kimmer lands; thence North eighty-nine and one half degrees East four thousand feet to an iron stake in the lands of Mrs. W. O. Poplin; thence South one half degree East four thousand feet to a stake at the Albemarle-Cottonville Highway; thence South eighty-nine and one half degrees West four thousand feet to an iron stake in the Lee Thomas lands; thence North one half degree West two thousand feet to an iron stake, the point of beginning.

## Government of town.

SEC. 3. That the administration and government of said Town of Aquadale shall be vested in a mayor and board of five commissioners, and such other officers as may be provided for in the Municipal Corporation Act of North Carolina.

## Mayor and Commissioners appointed.

SEC. 4. That Cecil Hopkins be and he is hereby appointed Mayor, and John Ray Green, George Boone, Ed Hinson, Sam Greene, and John Austin be and they are hereby appointed Commissioners for said Town of Aquadale, who may, after duly organizing, elect a police officer for said Town of Aquadale, and such other officials as may be necessary and provided for in the Municipal Corporation Act.

## Election of police officer and other officials.

## Powers of police officer.

SEC. 5. That the police officer, herein provided for, shall have full power and authority, upon proper warrant, to make arrests anywhere within one mile of the town limits for violations of the law committed within the town limits, as hereinbefore set out.

## Term of office of Mayor and Commissioners.

SEC. 6. That the mayor and commissioners herein provided for shall serve until Tuesday after the first Monday in May, one thousand nine hundred and forty-five, at which time and biennially thereafter the officers of said Town of Aquadale shall be elected.

## Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. B. 200

## CHAPTER 228

AN ACT TO AMEND SECTION FOUR HUNDRED AND NINETY-TWO OF THE CONSOLIDATED STATUTES RELATING TO THE DEFENSE OF ACTIONS AFTER JUDGMENT ON SUBSTITUTED SERVICE BY EXEMPTING ACTIONS FOR THE FORECLOSURE OF COUNTY AND MUNICIPAL TAXES FROM THE OPERATION OF SAID SECTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section four hundred and ninety-two of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by striking out the comma after the word "divorce" in line five of said section, and inserting the words "or in an action for the foreclosure of county or municipal taxes,".

C. S. 492, relating to defense of actions after judgment on substituted service, amended.

SEC. 1½. Provided that the provisions of this Act excepting "actions for the foreclosures of county or municipal taxes" shall not apply to members of the armed forces of the United States of America during the present war and six months thereafter."

Act not applicable to members of Armed Forces during the present war and for six months thereafter.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. B. 301

## CHAPTER 229

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF DAVIDSON COUNTY TO DIRECT THE BOARD OF ELECTIONS TO CALL AN ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF SAID COUNTY THE QUESTION OF WHETHER A TAX SHALL BE LEVIED TO SUPPORT THE FREE PUBLIC LIBRARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Davidson County shall direct the county board of elections to call an election to be held on the first Monday in April, one thousand nine hundred and forty-three, under the same rules and regulations which apply to elections for members of the General Assembly.

Special election to be held in Davidson County on question of special tax for support of public library.

That at said election there shall be submitted to the qualified voters of said county the question of whether a special tax

Amount of tax proposed.

of not less than three cents or not more than five and three quarters cents on the hundred dollars of the assessed value of the taxable property in the county shall be levied for support of the free public library of the county as now established.

Form of  
ballot.

That those in favor of levying the special tax in Davidson County shall mark the square to the left of the words "For the levy of a special tax of not less than three cents nor more than five and three quarters cents on the hundred dollars of the assessed value of the taxable property in the county for the support of the county free public library," printed on a ballot to be provided therefor; and those opposed to the levy of the special tax shall mark the square to the left of the words, "Against the levy of a special tax of not less than three cents nor more than five and three quarters cents on the hundred dollars of the assessed value of the taxable property in the county for the support of the county free public library," on said ballot.

County Commis-  
sioners to levy  
tax if majority  
of voters favor  
levy.

That if a majority of the qualified voters shall favor the levy of the special tax, the county commissioners shall levy and cause to be collected, as other general taxes are collected, the said special tax of not less than three cents nor more than five and three quarters cents on the hundred dollars of the assessed value of the taxable property of the county.

Library fund to  
be separate from  
other funds.

That the fund so derived shall constitute the library fund, and shall be kept separate from the other funds of the county to be expended exclusively upon such library. The annual budget for the library shall be submitted to the board of county commissioners for approval.

Library budget.

New registration  
for election.

SEC. 2. That in calling for such special election, the county board of elections shall require a new registration, and shall give at least twenty days public notice of same prior to the opening of the registration books. The registration books shall be open on March thirteenth, one thousand nine hundred and forty-three, and remain open for a period of three weeks for such registration, and April third, one thousand nine hundred and forty-three shall be challenge day.

Provisions of Art.  
8, Ch. 56 of C. S.,  
as amended, to  
apply except  
when in conflict  
with this Act.

SEC. 3. That except where the same is in conflict herewith, the provisions of Article eight of Chapter fifty-six of the Consolidated Statutes of North Carolina, as amended, shall apply in the control and operation of the free public library of Davidson County.

Application  
of Act.

SEC. 4. That this Act shall apply only to Davidson County.

Conflicting  
laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

S. B. 145

## CHAPTER 230

AN ACT TO EXTEND THE JURISDICTION OF THE MAYOR'S COURT OF THE CITY OF STATESVILLE TO ALL TERRITORY WITHIN A ONE-MILE RADIUS OF SAID CITY LIMITS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The jurisdiction of the Mayor's Court of the City of Statesville is hereby extended so as to vest in the mayor's court the same jurisdiction over criminal offenses committed within a one-mile radius of the corporate limits of the City of Statesville to the same extent as such court would have over such criminal offenses if committed within the corporate limits of the City of Statesville.

Jurisdiction of Mayor's Court of City of Statesville extended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

S. B. 186

## CHAPTER 231

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE RELATING TO THE CHARTER OF THE TOWN OF GRIMESLAND IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter two hundred and twenty-two of the Private Laws of one thousand eight hundred and ninety-three be stricken out and rewritten to read as follows:

Sec. 3, Ch. 222, Private Laws, 1893, rewritten.

"SEC. 3. The elective officers of said town shall consist of a mayor and five aldermen, who shall be elected at an election to be held on the first Monday in May, one thousand nine hundred and forty-three, and every two years thereafter in accordance with the general laws regulating elections in cities and towns in North Carolina."

Mayor and five Aldermen of Town of Grimesland to be elected in 1943 and biennially thereafter.

SEC. 2. That Section four of Chapter two hundred and twenty-two of the Private Laws of one thousand eight hundred and ninety-three be stricken out and rewritten to read as follows:

Sec. 4, Ch. 222, Private Laws, 1893, rewritten.

"SEC. 4. The officers elected at the election to be held on the first Monday in May, one thousand nine hundred and forty-

Officers to take office on first Monday in July after election.

three, and those elected every two years thereafter shall meet and take the oath of office prescribed by law for such officers before some justice of the peace of Pitt County, or other person qualified to administer an oath, on the first Monday in July next after their election; and shall serve for a period of two years from the time of taking office or until their successors have been elected and taken the oath of office."

Sec. 5, Ch. 222,  
Private Laws,  
1893, rewritten.

SEC. 3. That Section five of Chapter two hundred and twenty-two of the Private Laws of one thousand eight hundred and ninety-three be stricken out and rewritten to read as follows:

Other officers  
provided for.

"SEC. 5. In addition to the elective officers herein provided for there shall be a treasurer, a clerk to the board, and such police officers as the town may require, all of whom shall be appointed by the board of aldermen, to serve at the will of the board. Any appointive officer, before entering upon his duties, shall subscribe to the same oath as required of the elective officers and shall give bond in such amount as required by the board, premiums on such bonds to be paid by the town."

Sec. 6, Ch. 222,  
Private Laws,  
1893, rewritten.

SEC. 4. That Section six of Chapter two hundred and twenty-two of the Private Laws of one thousand eight hundred and ninety-three be stricken out and rewritten to read as follows:

Vacancies.

"SEC. 6. All vacancies in the elective offices shall be filled in accordance with general laws relating to cities and towns in North Carolina."

Compensation of  
certain officers  
provided for.

SEC. 5. The mayor and the members of the board of aldermen shall receive as compensation for their services not in excess of the sum of five dollars per meeting, not to exceed twelve meetings in any one year, and shall not receive compensation for any meeting they do not attend. The salary of the treasurer shall be fixed by the board of aldermen not to exceed one hundred dollars per year. The salaries of the clerk and the police officers shall be fixed by the board of aldermen.

Conflicting  
laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 192

## CHAPTER 232

AN ACT TO REPEAL CHAPTER NINETY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AND TO PROVIDE FOR THE ELECTION OF A MAYOR AND BOARD OF COMMISSIONERS FOR THE TOWN OF RUTHERFORDTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ninety-five of the Private Laws of one thousand nine hundred and thirty-five, being "An Act to provide a primary for the nomination of officers for the Town of Rutherfordton", be and the same is hereby repealed in its entirety.

Ch. 95, Private Laws, 1935, repealed.

SEC. 2. That the Mayor and the four Commissioners of the Town of Rutherfordton shall be elected as follows:

Method of election of Mayor and Commissioners of Town of Rutherfordton.

(a). That any person desiring to become a candidate for the office of mayor or commissioner of said town shall file a written notice of his intention to become a candidate with the secretary and treasurer of the town at least fifteen days prior to the day on which the election of the officers of the Town of Rutherfordton is to be held.

Written notice of candidacy.

(b). The Board of Commissioners of the Town of Rutherfordton may, in their discretion, enact an ordinance requiring persons filing as candidates in municipal elections, to pay a reasonable filing fee in an amount to be stated in the ordinance.

Filing fee may be required.

Filing fees shall be paid to the secretary and treasurer at the time notices of candidacy are filed, and all such fees shall be paid into the general fund of the town.

To be paid at time notice of candidacy is filed.

(c). That the candidate for mayor receiving the greatest number of votes shall be the duly elected Mayor of the Town of Rutherfordton; and the four candidates for Commissioners receiving the greatest number of votes shall be duly elected Commissioners of the Town of Rutherfordton.

SEC. 3. That the mayor and commissioners shall be elected biennially and at the times and in the manner provided for the election of municipal officers by the general laws of the State of North Carolina, except as expressly provided in Sections one and two of this Act.

To be elected biennially.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 284

## CHAPTER 233

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE ENTITLED "AN ACT TO PROVIDE FOR THE SUPERVISION AND EXAMINATION OF INDUSTRIAL BANKS BY THE CORPORATION COMMISSION," AS AMENDED, SO AS TO PROVIDE ADDITIONAL POWERS TO THOSE PROVIDED IN SECTION SIX OF SAID ACT.

*The General Assembly of North Carolina do enact:*

Sec. 6, Ch. 225,  
Public Laws,  
1923, amended.

SECTION 1. That Section six, Chapter two hundred and twenty-five, Public Laws of one thousand nine hundred and twenty-three as amended by Section one, Chapter one hundred and ninety-nine, Public Laws of one thousand nine hundred and twenty-five; Section five, Chapter two hundred and forty-three, Public Laws of one thousand nine hundred and thirty-one; Section two, Chapter eighty-one, Public Laws of one thousand nine hundred and thirty-five and Sections one and two, Chapter two hundred and forty-four, Public Laws of one thousand nine hundred and thirty-nine be and the same hereby is amended by adding a new paragraph to be numbered seven, said new paragraph to read as follows:

Industrial banks  
given power, with  
approval of State  
Banking Commis-  
sion, to accept  
deposits subject  
to check.

"SEC. 7. Subject to the approval of the State Banking Commission, to solicit, receive and accept money or its equivalent on deposit subject to check."

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 285

## CHAPTER 234

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-FOUR, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN ADDING A NEW PARAGRAPH TO SECTION TWO HUNDRED AND TWENTY (a) OF THE CONSOLIDATED STATUTES REGULATING THE MAKING OF LOANS GENERALLY REFERRED TO AS PERSONAL LOANS, SO AS TO AUTHORIZE COMMERCIAL BANKS TO MAKE PERSONAL OR INDUSTRIAL LOANS IN THE SAME MANNER AS INDUSTRIAL BANKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and fifty-four, Public Laws of one thousand nine hundred and thirty-seven, entitled "An Act to amend Section two hundred and twenty (a) of the Consolidated Statutes of North Carolina by adding a new paragraph to be known as Paragraph six, regulating the making of loans generally referred to as 'personal loans' and the discount of notes, by commercial banks doing business in this State; and providing that the interest on such loans and the discount on such notes may be deducted in advance from the proceeds from such loans or discounts of such notes" be and the same hereby is amended by striking out in said Section one, beginning in line fifteen and ending in line eighteen the following words: "no loans made under the provisions of this Act shall exceed fifteen hundred dollars (\$1,500.00) to any one person, firm, partnership or corporation," and substituting in lieu thereof the following: "any commercial bank may exercise and enjoy all the powers now or hereafter provided in Paragraph three, Section six, Chapter two hundred and twenty-five, Public Laws of one thousand nine hundred and twenty-three, as amended."

Ch. 154, Public Laws, 1937, amended.

Commercial banks permitted to exercise certain powers of industrial banks.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

## H. B. 305

## CHAPTER 235

AN ACT RELATING TO THE LISTING, SELLING AND FORECLOSURE OF UNLISTED TAXES, PAYMENT OF PAVING ASSESSMENTS AND TAXES, TAX SALES AND TAX FORECLOSURES FOR THE TOWN OF AULANDER, BERTIE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of Town of Aulander in Bertie County permitted to compromise certain taxes and special assessments.

SECTION 1. That the Board of Commissioners of the Town of Aulander, Bertie County, North Carolina, be, and it is hereby, authorized and empowered, in its discretion, to compromise and settle all Town of Aulander paving assessments and all delinquent Town of Aulander taxes up to and including the levy for the year one thousand nine hundred and forty-one by accepting as payment for said assessments and taxes such sums as in its judgment shall be fair and reasonable in consideration of the value of the properties against which the same have been levied and such sum as in its judgment will enure to the best interests of the Town of Aulander.

Board permitted to list for taxation certain unlisted property.

SEC. 2. That the Board of Commissioners of the Town of Aulander be, and it is hereby, authorized and empowered to list or have listed for taxation all real estate lying within its corporate limits for any and all years from one thousand nine hundred and twenty-seven to one thousand nine hundred and forty-two, inclusive, for which the same has not been heretofore listed; to use in such after listing the regularly levied tax rate for the respective years and the valuation assessed or listed for the last preceding year in which the same may have been regularly listed; to sell or have sold all such after listed property for nonpayment of taxes immediately after its listing; to issue tax sale certificates for all after listed properties sold for nonpayment of the taxes for the respective years; to purchase the tax sale certificates in the name of the Town of Aulander; to institute foreclosure proceedings upon all such tax sale certificates immediately after their issuance and purchase by the town; to institute foreclosure proceedings upon its lien on any or all after listed real estate, irrespective of whether the said real estate has been sold for the nonpayment of taxes and irrespective of whether tax sales certificates have been issued, and in all actions to foreclose the tax lien upon after listed real estate statements in the complaint of the unlisted years, the valuation used, the year's tax rate and the amount of taxes, penalties and interest claimed by the town against said real estate, shall constitute sufficient record and notice of the after listing of the real estate; and to add to the amount of the principal of after listed taxes interest, penalties and costs in the same manner and amounts which would have accumulated and attached had the property been regularly listed.

Powers granted Board for sale and foreclosures of such after listed property.

SEC. 3. That all acts of the Board of Commissioners of the Town of Aulander and all of its officers, agents and attorneys, heretofore done, in listing property for town taxes, setting tax rates and levying taxes, conducting sales of land for non-payment of taxes and the issuance of tax sale certificates relating to town taxes for the year one thousand nine hundred and forty-two and all years prior thereto and all tax sale certificates heretofore issued by the Town of Aulander for taxes for the year one thousand nine hundred and forty-one and all years prior thereto be, and the same are hereby, in all respects ratified, confirmed and validated.

Acts of Board and its agents as to taxes validated.

SEC. 4. That the Town of Aulander be, and it is hereby, authorized and empowered to institute foreclosure proceedings upon all unpaid paving, street or sidewalk assessments now owing to it, including principal and interest.

Town authorized to institute foreclosure on unpaid special assessments.

SEC. 5. That the Town of Aulander be, and it is hereby, authorized to join in one foreclosure action all street, sidewalk or paving assessments and all delinquent tax liens, tax sale certificates and unlisted taxes which are or should be charged against the same real estate or against the same parties and to bring said action against all persons in whose name the same may have been listed, levied or assessed from year to year or who otherwise have any lawful interest in the said property.

Certain special assessment foreclosures and tax foreclosures authorized to be joined in one action.

SEC. 6. That no tax sale certificate now held by the Town of Aulander, no paving assessment, or installment thereof, now owing to the Town of Aulander and no lien for any delinquent or unpaid Town of Aulander taxes, whether regularly listed or after listed, including penalties, interest and costs on the same, shall, for any reason whatsoever, become barred from action thereon, sale of land for nonpayment of taxes, or foreclosure thereof before the first day of July, one thousand nine hundred and forty-four: Provided, that this section shall not apply to taxes for the year one thousand nine hundred and twenty-six and prior years.

Certain tax sale certificates and paving assessments not barred before July 1, 1944.

This section not applicable to taxes for year 1926 and prior years.

SEC. 7. That the Board of Commissioners of the Town of Aulander be, and it is hereby, authorized and empowered to take judgments of nonsuit in all actions heretofore instituted by it and now pending in the Superior Court of Bertie County for the foreclosure of tax sale certificates, tax liens, or paving assessments, irrespective of when the same were commenced, and without prejudice to any of its rights against any parties or properties in said former actions described, to institute new actions thereon as otherwise provided; and to consolidate all actions now pending for the foreclosure of tax sale certificates, tax liens or special assessments which affect the same land or the same parties.

Board authorized to take nonsuit judgments in certain tax and paving assessment suits.

New actions authorized.

Partial invalidity section.

SEC. 8. That if any part of this Act shall be declared unconstitutional, it shall not affect any other part of the Act.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

## H. B. 309

## CHAPTER 236

### AN ACT TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO INSURE COUNTY AND SCHOOL PROPERTY.

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Currituck County directed to insure property owned by County against certain hazards.

SECTION 1. The Board of County Commissioners of Currituck County is authorized, directed, and empowered to insure, and keep insured, for at least seventy-five per cent (75%) of its value, all property owned by Currituck County against the hazards of fire, windstorm and lightning, and the Board of Education of Currituck County is authorized, empowered, and directed to insure, and keep insured, all school properties in said county for at least seventy-five per cent (75%) of its value against the hazards of fire, windstorm, and lightning.

Board of Education of said County authorized to insure school properties against certain hazards.

Budget of Board of Education to include provision for such insurance.

SEC. 2. The Board of Education of Currituck County is authorized and directed to include in its burget each year a sufficient amount to provide said insurance on school properties and the Board of County Commissioners of Currituck County is authorized and directed to provide the necessary funds to pay the premiums on the insurance on the school property and all other property owned by Currituck County.

Board of County Commissioners to provide funds to pay insurance premiums on school and other county property.

Survey of property to determine valuation for insurance.

SEC. 3. At each time insurance is placed by the Board of County Commissioners or the Board of Education of Currituck County covering any of the property mentioned in this Act a survey shall be made or caused to be made of said property and each third year thereafter. The said survey or surveys shall be reviewed each intervening year for the purpose of determining the value of the property covered by such insurance and providing the amount of insurance to values in accordance with the provisions of this Act: Provided, however, such survey or review of such survey shall be made at no cost to Currituck County.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

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H. B. 369                      CHAPTER 237

AN ACT TO AMEND SECTION SIX THOUSAND ONE HUNDRED AND FORTY-ONE OF THE CONSOLIDATED STATUTES, AS AMENDED, TO CHANGE THE TITLE OF THE HISTORICAL COMMISSION TO STATE DEPARTMENT OF ARCHIVES AND HISTORY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Historical Commission described in Section six thousand one hundred and forty-one of the Consolidated Statutes, as amended, shall hereafter be known as the "State Department of Archives and History."

Historical Commission to be known as "State Department of Archives and History."

SEC. 2. Wherever the words "Historical Commission," "North Carolina Historical Commission," "State Historical Commission," or "Commission" are used with reference to the Historical Commission in this or any other section of the laws of North Carolina, they shall be interpreted to mean "State Department of Archives and History," and such title shall be substituted therefor.

To be referred to as "State Department of Archives and History."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

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H. B. 373                      CHAPTER 238

AN ACT TO AMEND SECTIONS TWO THOUSAND FOUR HUNDRED AND TWENTY-NINE AND TWO THOUSAND FOUR HUNDRED AND THIRTY OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO LIBEL AND SLANDER BY RADIO OR TELEVISION STATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand four hundred and twenty-nine of the Consolidated Statutes of one thousand nine hundred and thirty-nine be amended by adding thereto Sub-section (b) reading as follows:

Sec. 2429, C. S. of 1939, amended.

Notice required before action brought for libel or slander by or through radio or television station.

“(b) Before any action, either civil or criminal, is brought for the publishing, speaking, uttering, or conveying by words, acts or in any other manner of a libel or slander by or through any radio or television station, the plaintiff or prosecutor shall at least five days before instituting such action serve notice in writing on the defendant, specifying the time of and the words or acts which he or they allege to be false and defamatory.”

Sec. 2430, C. S. of 1939, amended.

SEC. 2. That Section two thousand four hundred and thirty of the Consolidated Statutes of one thousand nine hundred and thirty-nine be amended by adding thereto Subsection (b) reading as follows:

Effect of broadcast in good faith and retraction.

“(b) If it appears upon the trial that such words or acts were conveyed and broadcast in good faith, that their falsity was due to an honest mistake of the facts, or without prior knowledge or approval of such station, and if with prior knowledge or approval that there were reasonable grounds for believing that the words or acts were true, and that within ten days after the service of said notice a full and fair correction, apology and retraction was conveyed or broadcast by or over such radio or television station at approximately the same time of day and by the same sending power so as to be as visible and audible as the original acts or words complained of, then the plaintiff in such case, if a civil action, shall recover only actual damages, and if, in a criminal proceeding, a verdict of ‘guilty’ is rendered on such state of facts, the defendant shall be fined a penny and costs, and no more.”

Pending litigation not affected.

SEC. 3. This Act shall not affect any pending litigation relative to libel and slander by radio or television station.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 381

## CHAPTER 239

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS AND TREASURER OF BERTIE COUNTY TO REIMBURSE THE SHERIFF AND JAILER OF BERTIE COUNTY FOR SETTLEMENT OF ONE THOUSAND DOLLARS AND COSTS OF ONE HUNDRED AND EIGHTY-NINE DOLLARS AND SIXTY-FIVE CENTS PAID TO ELMA LLOYD PARRISH.

Preamble:  
Elma Lloyd Parrish committed to jail for failure to give appearance bond.

WHEREAS, on the eighteenth day of August, one thousand nine hundred and forty-one, the Recorder of Bertie County committed Elma Lloyd Parrish to jail upon her failure to give bond for her appearance in Bertie County Superior Court as

a material witness upon the trial of her husband, Rupert Lee Davis, for bigamy; and

WHEREAS, on the eleventh day of June, one thousand nine hundred and forty-two, Elma Lloyd Parrish instituted a civil action in the Bertie County Superior Court against Fred M. Dunstan, Sheriff of Bertie County, and Fred Phelps, Jailer of Bertie County, and others, for damages; and

Instituted suit against sheriff and jailer of Bertie County.

WHEREAS, at the trial, at the November Term of the Bertie County Superior Court in the year one thousand nine hundred and forty-two, Elma Lloyd Parrish offered some evidence tending to show that she and her four year old daughter, Johnnie Marie Parrish, were confined by the jailer in the Bertie County jail in a cell with a drunken colored woman, and that on the twenty-eighth day of August, one thousand nine hundred and forty-one, while still in the custody of the sheriff and the jailer, she was taken to the Windsor Hospital, where she gave birth to a child, and that within one hour thereafter she and the new-born infant were sent some fifty miles to her home: whereas, the jury rendered a verdict in favor of Elma Lloyd Parrish against the sheriff and jailer for one thousand dollars (\$1,000.00), and, upon the coming in of the verdict, His Honor W. H. S. Burgwyn, Trial Judge, intimated that he was inclined to set the verdict aside; whereas, it was thereupon agreed by the parties to the action that the sheriff and the jailer should pay to Elma Lloyd Parrish and to Elma Lloyd Parrish as natural guardian of her infant daughter, Johnnie Marie Parrish, the sum of one thousand dollars (\$1,000.00) in settlement of the said action and for a release of all claims for damages by Elma Lloyd Parrish for herself and on behalf of the said infant; and whereas, the sheriff and jailer have paid the said sum of one thousand dollars (\$1,000.00) and one hundred and eighty-nine dollars and sixty-five cents (\$189.65) as the costs of the action: Now, therefore,

Evidence that she and daughter were confined in cell with drunken colored woman.

Other evidence.

Verdict against sheriff and jailer for \$1,000.00.

Sheriff and jailer paid \$1,000.00 and \$189.65 in costs in settlement of claims of Elma Lloyd Parrish and daughter.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners and the Treasurer of Bertie County be, and they are hereby, authorized and empowered to pay to F. M. Dunstan, Sheriff of Bertie County, and Fred Phelps, Jailer of Bertie County, the sum of one thousand one hundred and eighty-nine dollars and sixty-five cents (\$1,189.65) as reimbursement for the court costs of one hundred and eighty-nine dollars and sixty-five cents (\$189.65), paid by them in the civil action brought against them in the Superior Court of Bertie County by Elma Lloyd Parrish, and for the sum of one thousand dollars (\$1,000.00), paid by them to Elma Lloyd Parrish in settlement of said action and to Elma Lloyd Parrish as natural guardian for the infant, Johnnie Marie Parrish, in settlement for all claims for damages on behalf of said infant.

Board of County Commissioners and Treasurer of Bertie County authorized to reimburse sheriff and jailer.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 409

CHAPTER 240

AN ACT TO AMEND CHAPTER EIGHT HUNDRED AND SIXTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, AS AMENDED, RELATING TO THE RECORDER'S COURT OF THE CITY OF MONROE AND UNION COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 860, Public Laws, 1907, amended.

SECTION 1. That Chapter eight hundred and sixty of the Public Laws of one thousand nine hundred and seven, as amended, be and the same is hereby amended to provide that said special court, as provided for in said acts shall henceforth be designated as "The Recorder's Court of Union County."

Provisions respecting fees collected from operation of Recorder's Court of Union County.

SEC. 2. That all fees and costs collected from the operation of said court, except any fees due the arresting officers in cases tried before said court, and fees due witnesses, shall be paid by the clerk of said court into the general fund of the County of Union; fees due witnesses shall be paid to such witnesses as provided by law, and fees due arresting officers shall be paid to such officers as provided by law except as to such arresting officers who are on salary and such fees shall be paid to the City of Monroe or to the municipality employing such officers.

C. S. C. of Union County to be clerk of said court.

SEC. 3. That the Clerk of the Superior Court of Union County, be, and he is hereby designated as ex officio clerk of the recorder's court, and the assistant clerk of the Superior Court, be, and he is hereby designated as ex officio assistant clerk of the recorder's court, said clerk and assistant clerk of said recorder's court shall have full power and authority to do and perform all acts and functions heretofore exercised by the clerk of said recorder's court: Provided, further, that the clerk of said recorder's court, or the assistant clerk thereof, shall attend in person upon the sessions or sittings of said court for the purposes of keeping the minutes and records of the proceedings had and to perform such other functions as may be incident and necessary to the office of clerk to such court.

Powers and duties of clerk and assistant clerk.

Salaries of clerk and assistant clerk.

SEC. 4. That the salary of the clerk of the recorder's court is hereby fixed at the sum of six hundred dollars (\$600.00) per year, payable monthly in installments, and the salary of

the assistant clerk of recorder's court is hereby fixed at the sum of four hundred and fifty dollars (\$450.00) per year, payable monthly in installments, both of which salaries shall be paid to said clerk and assistant clerk of recorder's court, respectively, in addition to the present salaries now provided for and paid to the clerk and assistant clerk of the Superior Court, respectively.

SEC. 5. That in the event a vacancy shall occur in the office of judge of said recorder's court or the prosecuting attorney of said recorder's court, caused by death, resignation or otherwise, it shall be the duty of the board of county commissioners to fill such vacancy or vacancies in said office or offices for such unexpired term.

Vacancy in office of judge or prosecuting attorney of said court.

SEC. 6. That no portion of the costs of the operation of the Recorder's Court of Union County shall be borne or paid by the City of Monroe.

No portion of costs to be borne by City of Monroe.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 25th day of February, 1943.

H. B. 415

CHAPTER 241

AN ACT TO RELIEVE J. W. COOPER, FORMER SHERIFF OF BERTIE COUNTY, AND THE ESTATE OF A. O. ASKEW, FORMER DEPUTY SHERIFF OF BERTIE COUNTY, FROM FURTHER LIABILITY FOR FUNDS LOST IN DEFUNCT CITIZENS BANK OF WINDSOR.

WHEREAS, on the twenty-fourth day of November, one thousand nine hundred and thirty, J. W. Cooper, Sheriff of Bertie County, and A. O. Askew, Deputy Sheriff of Bertie County, executed and delivered to J. B. Cherry, Treasurer of Bertie County, their note payable on demand for the sum of four thousand and fifty dollars (\$4,050.00) to cover tax funds of Bertie County then in their hands and on deposit in the name of J. W. Cooper, Sheriff of Bertie County, in the Citizens Bank of Windsor, which was closed earlier in the year of one thousand nine hundred and thirty; and J. W. Cooper and A. O. Askew have made several payments to Bertie County upon this note in the total amount of three thousand six hundred and four dollars and ninety-four cents (\$3,604.94); and the present balance remaining unpaid on the note is approximately one thousand six hundred and fourteen dollars and forty-one cents (\$1,614.41); and A. O. Askew is now deceased: Now, therefore,

Preamble:  
J. W. Cooper, former sheriff, and A. O. Askew, deputy, executed note to treasurer of Bertie County covering tax funds in closed bank.

Several payments upon said note.

Balance unpaid.

A. O. Askew deceased.

*The General Assembly of North Carolina do enact:*

J. W. Cooper and estate of A. O. Askew discharged of further liability on said note.

SECTION 1. That J. W. Cooper, former Sheriff of Bertie County, and the estate and heirs at law of A. O. Askew, former Deputy Sheriff of Bertie County, be, and they are hereby, relieved and discharged from all further liability upon that certain promissory note executed and delivered by J. W. Cooper and A. O. Askew on the twenty-fourth day of November, one thousand nine hundred and thirty, to J. B. Cherry, Treasurer of Bertie County, for the sum of four thousand and fifty dollars (\$4,050.00) payable on demand.

Note to be marked "Paid and Satisfied" and delivered to J. W. Cooper.

SEC. 2. That the Treasurer of Bertie County and the Chairman of the Board of County Commissioners of Bertie County be, and they are hereby, authorized, directed and empowered to mark the aforesaid note of J. W. Cooper and A. O. Askew "Paid and Satisfied" and to deliver it to J. W. Cooper.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

## H. B. 433

## CHAPTER 242

AN ACT TO BAR THE COLLECTION OF TAXES FOR ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND ALL PRIOR YEARS IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Certain tax liens held by Caldwell County and governmental agencies therein for 1931 and prior years barred.

SECTION 1. All tax liens on real estate held by Caldwell County, or by any municipality or other governing agency therein, for the year one thousand nine hundred and thirty-one and all prior years, whether evidenced by the original tax certificates, or tax sales certificates, and upon which no foreclosure proceedings have been instituted, are hereby declared to be barred and uncollectible: Provided, no part of this Act shall be construed as applying to liens for street or sidewalk improvement: Provided, further, that this Act shall not apply to suits pending.

Not applicable to liens for street and sidewalk improvements.

Pending litigation not affected.

Application of Act.

SEC. 2. This Act shall apply only to Caldwell County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 4. This Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-three.

Ratified this the 25th day of February, 1943.

H. B. 462

## CHAPTER 243

AN ACT TO REPEAL CHAPTER SIXTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE AND TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE FIXING THE SALARY OF THE SHERIFF OF CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter sixty-two of the Public-Local Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, repealed.

Ch. 62, Public-Local Laws, 1929, repealed.

SEC. 2. That Section one of Chapter three hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and twenty-five be amended by striking out the words "two thousand five hundred dollars" in line five of said section and inserting in lieu thereof the following words and figures, "two thousand four hundred dollars (\$2,400.00)."

Sec. 1, Ch. 383, Public-Local Laws, 1925, fixing the salary of the Sheriff of Currituck County, amended.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 465

## CHAPTER 244

AN ACT TO REQUIRE THE SURETIES ON OFFICIAL BONDS IN CURRITUCK COUNTY TO BE SURETY, INDEMNITY OR GUARANTY COMPANIES AUTHORIZED TO DO BUSINESS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners in Currituck County shall in no case accept personal sureties as security for official bonds of county officials required by law to give bond in Currituck County. No official bond shall be accepted or approved by the Board of County Commissioners in Currituck County unless such bond is secured in a sufficient amount by the bond of a reputable and solvent surety, indemnity or guaranty company authorized to do business in North Carolina. The premiums for all official bonds in Currituck County shall be paid by the officers furnishing bond and in no case shall they be paid by the county: Provided, that any county official required to give an official bond may, in lieu of furnishing bond with sureties, as hereinbefore provided, deposit with the board

Personal sureties on official bonds of Currituck County officials not to be accepted.

No official bonds accepted unless secured by surety company licensed to do business in N. C.

Premiums for such bonds to be paid by officers.

Officials may deposit cash or bonds of U. S. or N. C. in lieu of surety bond.

of county commissioners the amount of said bond in cash, United States bonds or bonds of the State of North Carolina.

Application  
of Act.

SEC. 2. This Act shall apply only to Currituck County.

Conflicting  
laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 473

CHAPTER 245

AN ACT TO APPOINT A COUNTY ACCOUNTANT FOR YANCEY COUNTY, AND TO FIX HIS SALARY AND TERM OF OFFICE.

*The General Assembly of North Carolina do enact:*

J. A. Goodin  
appointed County  
Accountant for  
Yancey County.

SECTION 1. That J. A. Goodin be, and he is hereby appointed County Accountant for Yancey County from and after the first Monday in April, one thousand nine hundred and forty-three, to serve until the first Monday in April, one thousand nine hundred and forty-five, and until his successor is appointed and qualified, at a salary of one hundred and twenty-five dollars (\$125.00) a month.

Term.

Salary.

Duties.

SEC. 2. It shall be the duty of said county accountant to perform all the duties required by the General Statutes governing county accountants and in addition thereto to perform all duties required of him by any Public-Local Statutes applicable to Yancey County.

Vacancies.

SEC. 3. In case of a vacancy in said office caused by death, resignation, or otherwise, said vacancy shall be filled by the Clerk of the Superior Court, the Chairman of the Board of County Commissioners and the Superintendent of Public Instruction of Yancey County. Said appointment shall be made for the unexpired term.

Conflicting  
laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 477

## CHAPTER 246

AN ACT RELATIVE TO THE COMPENSATION OF THE  
SHERIFF OF MACON COUNTY FOR HIS DUTIES AS  
TAX COLLECTOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Sheriff of Macon County shall receive as remuneration for his services as tax collector, for taxes levied in the year one thousand nine hundred and forty-three and thereafter, a commission of two per cent (2%) on all taxes collected by him and paid to the county.

Compensation of Sheriff of Macon County for services as Tax Collector.

SEC. 2. If, in the future, a tax collector is appointed for Macon County and the sheriff relieved of the duty of collecting taxes and said tax collector is placed on a salary, the salary of such tax collector shall not exceed the sum of two thousand dollars (\$2,000.00) per annum.

Salary of tax collector, if appointed.

SEC. 3. That all laws and clauses of laws, whether the same be public or public-local, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 482

## CHAPTER 247

AN ACT TO INCORPORATE THE RICHMOND COUNTY  
AIRPORT COMMISSION.*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created in Richmond County, North Carolina, a corporation to be known as the "Richmond County Airport Commission," composed of the following citizens and residents of Richmond County, who shall serve from and after the date of the ratification of this Act and until their successors shall have been selected, as hereinafter provided, for terms as follows: J. P. Gibbons, representing the Town of Hamlet; E. B. McLaurin, representing the Town of Rockingham; and William G. Pittman, representing Richmond County; for a term of four years from the first Monday in January, one thousand nine hundred and forty-three.

Richmond County Airport Commission created.

Members.

Terms.

SEC. 2. That on the first Monday in January, one thousand nine hundred and forty-seven, the Board of Commissioners for the Town of Hamlet shall and are hereby empowered to elect for a term of four years a member of said commission and every four years thereafter; the Board of Commissioners of the Town of Rockingham shall and are hereby authorized to

Method of election of members in 1947.

elect a member of said commission on the first Monday in January in the year one thousand nine hundred and forty-seven for a term of four years and every four years thereafter; that the Board of Commissioners of Richmond County shall and are hereby authorized to elect for a term of four years a member of said commission on the first Monday in January, one thousand nine hundred and forty-seven, and every four years thereafter.

Management of lands in Richmond County upon which airport is being constructed, vested in said corporation.

SEC. 3. That the general control, management and authority of and over the lands and properties now in and owned by Richmond County, upon which there is now being constructed an airport, together with all buildings, equipment, appliances and other properties, real and/or personal, and appurtenances thereto, and used in connection therewith, be and the same is hereby vested in said corporation.

Powers and duties of said corporation.

SEC. 4. That the powers and duties of said corporation shall be to control, lease, manage, and operate and superintend the aforesaid properties in such manner as it may deem best for the preservation and improvement of the same and for the benefit and accommodation of the residents of said county as an airport; to prescribe and enforce rules and regulations pertaining to the use of the aforesaid airport and properties by the residents of said county, and others, and to fix, determine, collect and receive such dues, charges, rents and fees for the use of such facilities and properties as an airport by the residents of said county and others, as it may deem best for the proper preservation, improvement, and maintenance of the same; to acquire, on behalf of said county, for the airport purposes herein contemplated and none other, by purchase, lease, gift or otherwise, and hold, manage, control and operate in the same manner as above stated, any and all other properties, real and/or personal, that may be necessary or convenient to the preservation, improvement, and/or expansion of the aforesaid airport facilities and properties, and to do and perform any and all other acts and things necessary or convenient to the accomplishment of the foregoing purposes; to cooperate with the Civil Aeronautical Authority in all of its endeavors looking toward the stimulating of interest of the citizens and residents of the county and others in flying and in the promotion of salutary rules and regulations for the operation of said airport, and generally to enter into such agreements with said authority, or like administrative agency of the National or State Governments, to effectuate the purposes and aims of said corporation.

Vacancies.

SEC. 5. That all vacancies occurring on said commission by resignation or death, shall be filled by the board of commissioners of the governing body who appointed the member who has resigned or vacated the office in any manner.

SEC. 6. That the said Airport Commission shall be regarded as performing an essential governmental function in undertaking the construction, maintenance and operation of the said airport and in carrying out the provisions of this Act in relation thereto, and shall be considered a public body and body corporate and politic, exercising public powers. The corporation shall be a nonstock, non-profit organization, and no dividends or pecuniary profits shall be declared to any of its members, but all revenues received shall be used in the maintenance, improvement and/or expansion of the airport facilities and properties controlled by this corporation.

Commission performing essential governmental function.

Nonstock, non-profit organization.

Use of revenues.

SEC. 7. That this corporation shall have no power to mortgage or encumber in any way any of the properties under its supervision, nor any power to contract any debt or incur any obligations in excess of its anticipated revenues.

No power to mortgage, or to contract debts in excess of anticipated revenues.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 484

## CHAPTER 248

### AN ACT TO AUTHORIZE THE TOWN OF LOUISBURG TO CONVEY CERTAIN PROPERTY IN THE TOWN OF LOUISBURG.

WHEREAS, by a deed dated eleventh February one thousand eight hundred and ninety and recorded in Book eighty-five at Page two hundred and sixty-nine, Franklin County Registry, C. M. Cooke and wife, Bettie P. Cooke, and G. W. Ford and wife, Lula Ford, conveyed to the Board of Commissioners of the Town of Louisburg the right of use and occupancy for a town hall or public audience room of the second story of a building at the southeast corner of the intersection of Nash and Market Streets, in the Town of Louisburg, opposite the courthouse square, fronting on Market Street sixty-six feet from the corner on Nash Street, and running back parallel with Nash Street, a distance of eighty feet; and

Preamble:  
Right of use of certain property conveyed to Board of Commissioners of Town of Louisburg.

WHEREAS, by the terms and conditions of the deed referred to above, the said Board of Commissioners of the Town of Louisburg is entitled to the right of use and occupancy of the said second story of said building above described, with the full right of egress and ingress therefrom and thereto, for the purpose of a town hall, opera house or public audience room, so long as the said Board of Commissioners of the

To be used as town hall, opera house or public audience room.

Town of Louisburg shall keep in good and thorough repair the roof of said building; and

Use of said property no longer needed.

WHEREAS, the Board of Commissioners of the Town of Louisburg no longer needs the right of the use and occupancy of said building as aforesaid, for the reason that a new and adequate armory and community building has been erected in the Town of Louisburg, and is now occupied by the said Board of Commissioners of the Town of Louisburg, and is sufficient for all town purposes; and

Board of Commissioners desire to convey its right in said property to Masonic Lodge.

WHEREAS, the Board of Commissioners of the Town of Louisburg is desirous of conveying to the master and wardens of Louisburg Lodge number four hundred and thirteen, Ancient, Free and Accepted Masons, all of the right, title, interest, estate and easement owned by the said Board of Commissioners of the Town of Louisburg in and to the building described above, for purposes of a lodge room, upon the same conditions and terms as are set forth in the deed referred to above, thereby relieving the said Board of Commissioners of the Town of Louisburg from any further obligation in relation to said building: Now, therefore,

*The General Assembly of North Carolina do enact:*

Board of Commissioners authorized to convey its right in said property.

SECTION 1. That the Board of Commissioners of the Town of Louisburg be hereby authorized and empowered to convey by proper deed all of the right, title, interest, estate and easement held or owned by said Board of Commissioners of the Town of Louisburg in and to the second floor of the building described in the preambles hereof, upon the terms set forth above.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act be, and they are hereby repealed to the extent of such conflict.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 493

## CHAPTER 249

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF KINGS MOUNTAIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and sixty of the Private Laws of one thousand nine hundred and nine, as amended, is hereby further amended by striking out the word "town" wherever it appears in said chapter, as amended, and inserting in lieu thereof the word "city," and the proper title for Kings Mountain shall hereafter be the "City of Kings Mountain."

Ch. 360, Private Laws, 1909, amended to change name of Town of Kings Mountain to City of Kings Mountain.

SEC. 2. That at all meetings of the mayor and board of commissioners, both regular and special, for the City of Kings Mountain, the mayor and at least two commissioners shall constitute a quorum for the purpose of transacting any business which might come before the board, and that the mayor shall have the right to vote on all questions whether there is a tie or not, said mayor having the same right to vote as the commissioners.

Quorum at meetings of Mayor and Board of Commissioners.

Mayor given right to vote.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 494

## CHAPTER 250

AN ACT TO AMEND CHAPTER TEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, TO CORRECT AN ERROR APPEARING THEREIN IN THE DESCRIPTION OF THE BOUNDARIES OF THE TOWN OF KINGS MOUNTAIN.

WHEREAS, there is a slight error in the course and distance of the corporate limits or boundary of the Town of Kings Mountain as defined by Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, and the purpose of this amendment is to correct said error: Now, therefore,

Preamble:  
Error in corporate limits of Town of Kings Mountain as defined by Ch. 10, Private Laws, 1923.

*The General Assembly of North Carolina do enact:*

SECTION 1. That that portion of Section two of Chapter ten of the Private Laws of one thousand nine hundred and twenty-three, appearing in lines nine and ten which reads "and runs

Sec. 2, Ch. 10, Private Laws, 1923, amended.

south five and one half west one hundred and twenty-three and seventy-five one-hundredths chains" is hereby rewritten to read as follows: "and runs south forty-nine west one hundred and thirty-three chains."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 495

### CHAPTER 251

AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSON RELATING TO THE TIME OF FILING OF CANDIDATES FOR OFFICES IN SAID CITY.

*The General Assembly of North Carolina do enact:*

Ch. 332, Private Laws, 1913, amended.

SECTION 1. Chapter three hundred and thirty-two of the Private Laws of one thousand nine hundred and thirteen be, and the same is hereby, amended by adding a new section thereto, which shall read as follows:

Candidates for certain offices of City of Henderson to file written notice.

"SEC. 3 (a). All candidates for election to any of the offices mentioned in Section three hereof or to any other elective offices of the City of Henderson shall file with the city clerk not less than ten days prior to holding any election, written notice of their intention to be candidates. The city clerk shall prepare and cause to be printed the official ballot for city election containing all of the names of those candidates who have filed as herein provided. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the city clerk and no other ballots other than those provided herein shall be used or voted in the election. Nothing in this Act shall prevent any elector from writing or otherwise inserting the name on the official ballot of a person for whom he wishes to vote."

Copying of official ballots unlawful.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 526

## CHAPTER 252

## AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BURKE COUNTY TO PROCURE LIABILITY INSURANCE FOR CERTAIN AUTOMOBILES USED IN OFFICIAL BUSINESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Burke County is hereby authorized, in its discretion, to procure liability insurance on the automobiles operated by the sheriff, the first deputy sheriff, rural policemen, the tax collector, and the tax supervisor, covering both the county and the above named officials, irrespective of whether such automobiles are owned by the county or by the official or officials operating the said automobiles, such insurance to be written with limit of liability not to exceed ten thousand dollars (\$10,000.00) covering bodily injury and with limit of liability not to exceed five thousand dollars (\$5,000.00) covering property damage, such insurance to be effective during all times such automobiles are being operated in the course of the discharge of official duties. The board is authorized to pay the premiums on such insurance out of the general fund of the county.

Board of County Commissioners of Burke County permitted to procure liability insurance on automobiles operated by certain officials.

Limits of insurance.

Insurance effective while automobiles operated in discharge of official duties.

Premiums to be paid by County.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 530

## CHAPTER 253

## AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF A MAYOR AND COMMISSIONERS FOR THE TOWN OF WINDSOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. The general municipal elections for the City of Windsor shall take place on the first Tuesday after the first Monday in May, one thousand nine hundred and forty-three, and on the first Tuesday after the first Monday in May biennially thereafter.

Time of general municipal elections for City of Windsor fixed.

SEC. 2. Candidates for mayor and commissioners shall be nominated by a primary election, which shall be held the second Tuesday preceding each general municipal election. The name of any candidate for mayor or commissioners of the city shall be printed upon the primary ballot: Provided, there is filed with the city clerk, not less than ten days previous

Candidates for Mayor and Commissioners to be nominated by primary election.

Statement of candidacy to be filed.

to the holding of said primary election, a statement of such candidacy in substantially the following form:

Form of  
statement.

I, \_\_\_\_\_, being duly sworn, say: That I reside in the City of Windsor, County of Bertie, State of North Carolina; that I am a bona fide member of the \_\_\_\_\_ political party; that I am a candidate for nomination for the office of \_\_\_\_\_ to be voted upon at the primary election to be held on the \_\_\_\_\_ Tuesday of April, 19\_\_\_\_, and hereby pledge myself to abide by the result of said primary and to support the party nominees of said primary made by the party with which I affiliate, and I hereby request that my name be printed upon the official general primary ballot for primary election of the \_\_\_\_\_ party.

(Signed) \_\_\_\_\_

Filing fee.

The said candidate shall at the time of filing notice as above of his candidacy pay to the City Clerk of the City of Windsor a two dollar filing fee. All ballots cast in said primary election shall be prepared, printed and distributed by the City Clerk of Windsor in the manner prescribed and set forth in said Act providing the Australian ballot system and amendments thereto. All duties, powers and functions exercised by the County Board of Elections of Bertie County insofar as same may be necessary to carry out the provisions of this Act are hereby conferred upon the City Clerk and the Board of Commissioners of the City of Windsor.

Ballots to be prepared and distributed by City Clerk.

Certain powers and duties of County Board of Elections of Bertie County conferred on City Clerk and Board of Commissioners of City of Windsor.

Persons to be included on ballots.

SEC. 3. Only those who have filed notice of their candidacy and who shall have complied with the requirements of law applicable to candidates before primaries with respect to such primary elections shall have their names printed on the official ballot of their respective parties.

Terms of office of Mayor and Commissioners.

SEC. 4. That the terms of office of the Mayor and Commissioners of the City of Windsor shall commence on the first Monday in June following their election, at which time they shall take the oath of office and assume their duties, and they shall hold office until the first Monday in June following the next succeeding election for mayor and commissioners, or until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in force from and after its ratification.

Ratified this the 25th day of February, 1943.

H. B. 536

## CHAPTER 254

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND TO REPEAL SECTIONS TWO AND THREE OF CHAPTER SIXTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO THE ELECTION OF A JUDGE AND SOLICITOR FOR THE RICHMOND SPECIAL COUNTY COURT AND THE JURISDICTION OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sections two and three of Chapter sixty of the Public Laws of one thousand nine hundred and forty-one be, and they are hereby repealed.

Sec. 2 and 3,  
Ch. 60, Public  
Laws, 1941, re-  
pealed.

SEC. 2. That all of the rest of Chapter sixty of the Public Laws of one thousand nine hundred and forty-one be and shall remain in full force and effect.

Remainder of  
Ch. 60, Public  
Laws, 1941  
in force.

SEC. 3. That Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine be, and it is hereby amended by adding at the end of Section three thereof the following:

Ch. 357, Public  
Laws, 1939,  
amended.

“Provided, however, that any such court which may have been or may hereafter be established in Richmond County shall be presided over by a judge who shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers, except that the voters residing in Marks Creek Township, Richmond County, shall not vote for any person for judge of such court, either in the primary or in the general election, nor shall ballots for voting for such judge be distributed to them; and such judge shall be a qualified elector in the county and a man of good moral character.”

Method of nomi-  
nation and elec-  
tion of judge of  
Court in Rich-  
mond County.

Voters of Marks  
Creek Township  
in Richmond  
County not to  
vote for judge.

Qualifications  
of judge.

SEC. 4. That Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine be and is hereby amended by adding at the end of Section four thereof the following:

Chapter 357,  
Public Laws,  
1939, further  
amended.

“Provided, however, that any such court that may have been or may hereafter be established in Richmond County shall have as its prosecuting officer a solicitor who shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers, except that the voters residing in Marks Creek Township, Richmond County, shall not vote for any person for solicitor of such court, either in the primary or

Method of nomi-  
nation and elec-  
tion of solicitor.

Voters of Marks  
Creek Township  
not to vote for  
solicitor.

Qualifications of solicitor.

the general election, nor shall ballots for voting for such solicitor be distributed to them; and such solicitor shall be a qualified elector in the county and a man of good moral character."

Ch. 357, Public Laws, 1939, further amended.

SEC. 5. That Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine be and is hereby amended by adding at the end of Section thirty-one thereof the following:

Such court to have no jurisdiction of crimes committed in Marks Creek Township.

"Provided, however, that any such court that may have been or may hereafter be established in Richmond County shall have no jurisdiction of any crimes committed in Marks Creek Township, Richmond County."

Act not to affect office of person heretofore elected to office under Ch. 60, Public Laws, 1941, or Ch. 357, Public Laws, 1939.

SEC. 6. That nothing in this Act shall be construed to affect the terms of office or the right to office of any person who has heretofore been elected to, or entered on a term of, office under Chapter sixty of the Public Laws of one thousand nine hundred and forty-one or Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine.

Partial invalidity section.

SEC. 7. That if any part of this Act be declared by any court of final jurisdiction to be unconstitutional and void, such decision shall not affect or nullify any other part of this Act.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, 1943.

S. B. 54

## CHAPTER 255

AN ACT TO AMEND THE SCHOOL MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, TO PROVIDE FOR A NINE MONTHS SCHOOL TERM.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 358, Public Laws, 1939, being the School Machinery Act, amended.

SECTION 1. That Section four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, known as "The School Machinery Act," be, and the same hereby is, amended so as to read as follows:

Length of term of public schools to be 180 school days.

"SEC. 4. Length of School Term. That the minimum six months' school term required by Article IX of the Constitution is hereby extended to embrace a total of one hundred and eighty days of school in order that there shall be operated in every county and district in the State, which shall request

the same, a uniform term of nine months: Provided, that the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, may suspend the operation of any school or schools in such units, not to exceed a period of sixty days of said term of one hundred and eighty days, when in the sound judgment of the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, the low average of daily attendance in any school justified such suspension, or when the State Board of Education or the governing body of any administrative unit, with the approval of the State Board of Education, shall find that the needs of agriculture, or any other condition, may make such suspension necessary within such unit or any district thereof: Provided, that all schools served by the same school bus or busses shall have the same opening date.

Discontinuance of schools within term in event of low average attendance.

Opening date.

“Provided that for the one thousand nine hundred and forty-three—one thousand nine hundred and forty-four and one thousand nine hundred and forty-four—one thousand nine hundred and forty-five school terms the one hundred and eighty days (180) may be reduced to one hundred and seventy days (170) by the Governor as Director of the Budget if in his opinion the revenues decrease to such an extent that such action would be justified.

Governor may reduce 1943-44 and 1944-45 terms to 170 days in event of decreased revenues.

“A school month shall consist of twenty teaching days. Schools shall not be taught on Saturdays unless the needs of agriculture, or other conditions, in the unit or district make it desirable that schools be taught on such days. In order that the total term of one hundred and eighty days might be completed in a shorter time than nine calendar months, when the needs of agriculture require it, the governing body of any administrative unit may require that schools shall be taught on legal holidays, except Sundays, but nothing herein contained shall prevent the inclusion of teaching on any legal holiday in a school month in accordance with the custom and practice of any such district, or as may be otherwise ordered by the governing body of such administrative unit.

“School month” defined.

Schools may be taught on legal holidays in certain instances.

“Salary warrants for the payment of all State teachers, principals, and others employed for the school term shall be issued each month to such persons as are entitled to same. The salaries of superintendents and others employed on an annual basis shall be paid per calendar month: Provided, that teachers may be paid in twelve equal monthly installments in such administrative units as shall request the same of the State Board of Education on or before October first of each school year. Before such request shall be filed, it shall be approved by the governing board, the superintendent, and a majority of the teachers in said administrative unit. The payment of the annual salary in twelve installments instead of nine shall not

Salaries of teachers, principals, etc., payable each month.

Salaries of superintendents, etc., payable each calendar month.

Payment of teachers' salaries in 12 monthly installments permitted in certain instances.

increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said administrative unit; nor shall such payment apply to any teacher who is employed for a period less than nine months.

State Board of Education authorized to order recess or adjournment of schools where necessary for harvesting crops or other emergency.

"Full authority is hereby given to the State Board of Education during any period of emergency to order general and, if necessary, extended recess or adjournment of the public schools in any section of the State where the planting or harvesting of crops or any other emergency conditions make such action necessary."

Sec. 14½, Ch. 358, Public Laws, 1939, amended.

SEC. 2. (a) That Section fourteen and one half of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be, and the same hereby is, amended by striking out all of said section preceding the proviso beginning in line eleven and inserting in lieu thereof the following:

Supplements authorized in certain instances.

"The county board of education in any county administrative unit, with the approval of the tax levying authorities in said unit and the State Board of Education, in order to operate schools of a higher standard than that provided by state support, or to employ additional vocational teachers, or both, in any district in said county administrative unit having a school population of one thousand (1,000) or more, but in no event to provide for a term of more than one hundred and eighty days, may supplement the funds now available to said district:."

Sec. 17, Ch. 358, Public Laws, 1939, amended.

(b) That Section seventeen of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be, and the same hereby is, amended by striking out the words, "funds for extending the term," in lines six and seven thereof.

Sec. 24, Ch. 358, Public Laws, 1939, relative to use of school busses, amended.

(c) That Section twenty-four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Chapter two hundred and fourteen, Section nine of Chapter two hundred and sixty-seven, and Chapter three hundred and fifteen, all of the Public Laws of one thousand nine hundred and forty-one, be, and the same hereby is, amended by striking out the second and third paragraphs of said section.

State supported school term refers to State supported nine months school term.

(d) That wherever the state supported school term is described or limited by the words, "eight months," or "one hundred and sixty days," in any of the sections of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, known as "The School Machinery Act," or if the state supported school term is described or limited to eight months or one hundred and sixty days or to any other number of months or days in the sections codified

under Chapter ninety-five of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, or in any other law, the same shall be construed to refer to the state supported nine months or one hundred and eighty days school term.

SEC. 2½. That for the support of the ninth month of the public school term, which is provided for under Section one, by virtue of the amendment therein of Section four of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, to provide for a minimum school term of one hundred and eighty days, there is hereby appropriated the sum of three million four hundred fifty-four thousand eight hundred and forty-five dollars (\$3,454,845.00) for the fiscal year one thousand nine hundred and forty-three-forty-four and three million five hundred fifty-nine thousand four hundred and sixty-three dollars (\$3,559,463.00) for the fiscal year one thousand nine hundred and forty-four-forty-five.

Appropriation for ninth month of school term.

SEC. 2¾. That Section eight of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Section three of Chapter two hundred and sixty-seven of the Public Laws of one thousand nine hundred and forty-one, is hereby amended by striking out the comma after the word "Budget" in the sixteenth line thereof, and by inserting after the words "State Budget" and before the words "provided that" the following words:

Sec. 8, Ch. 358, Public Laws, 1939, relative to determination of number of teachers to be included in State Budget, amended.

"On the basis of the average daily attendance figures of the continuous six months period of the preceding year during which continuous six months period the average daily attendance was highest."

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 26th day of February, 1943.

S. B. 127

## CHAPTER 256

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF CANTON, HAYWOOD COUNTY, TO REGULATE THE PRICES CHARGED BY PERSONS OPERATING VEHICLES FOR HIRE IN THE TOWN, EXCEPT THOSE UNDER THE JURISDICTION OF THE UTILITIES COMMISSION OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the Town of Canton, Haywood County, is authorized to designate the amount that persons operating vehicles in said town for hire shall

Board of Aldermen of Town of Canton, Haywood County, authorized to fix charges of vehicles operated for hire.

charge for the transportation of passengers and property from one point to another within the corporate limits of said town and for a distance of one mile beyond and outside of said corporate limits by establishing a uniform rate of compensation for each class of vehicles, and may classify the same according to the use made thereof, and said compensation may be changed from time to time by the governing body of the Town of Canton.

Act inapplicable to vehicles under jurisdiction of Utilities Commission.

SEC. 2. Provided, this Act shall not apply to vehicles under the jurisdiction of the Utilities Commission of North Carolina.

Governing body authorized to adopt rules and regulations as to charges of such vehicles.

SEC. 3. That in order to effectuate the regulation of the prices charged by persons operating for hire vehicles in the Town of Canton, the governing body of said town may, by ordinance, adopt such rules and regulations not inconsistent with this Act as may be proper to properly regulate said charges.

Violation of such ordinances made misdemeanor.

SEC. 4. That any person, firm or corporation violating any ordinance passed pursuant to this Act shall be guilty of a misdemeanor and may be fined or imprisoned or both in the discretion of the court.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 171

## CHAPTER 257

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO MAKE AN APPROPRIATION FOR ASSISTING IN THE ERECTION OF A MEMORIAL AND IMPROVING A MEMORIAL CEMETERY FOR CERTAIN WAR VETERANS.

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Alamance County permitted to make appropriation for certain memorials for war veterans.

SECTION 1. That the Board of County Commissioners of Alamance County is hereby empowered and authorized, in its discretion, to appropriate and pay a sum not exceeding five hundred dollars (\$500.00), to be used by the Walter B. Ellis Post of the American Legion Number sixty-three, of Alamance County, North Carolina, in erecting a memorial monument and improving a memorial cemetery, which memorial cemetery is sponsored by said Legion Post, and is to be used as a burying ground for veterans of the Spanish-American War, World War Number one and World War Number two, and veterans of any other American wars.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 175

### CHAPTER 258

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO RETIREMENTS FOR EMPLOYEES OF COUNTIES, CITIES AND TOWNS, SO AS TO MAKE SECTION NINE A INAPPLICABLE TO NEW HANOVER COUNTY AND THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine A of Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and forty-one be amended by adding to said section the following:

Ch. 357, Public Laws, 1941, amended.

“Provided further, that this section shall not apply to the County of New Hanover or the City of Wilmington, and the Commissioners of the County of New Hanover and of the City of Wilmington are hereby authorized, empowered and directed to appropriate a sufficient amount to put into effect the retirement of employees, both elective and appointive, of the County of New Hanover and the City of Wilmington.”

Requirement of referendum as to retirement system for counties or cities not applicable to County of New Hanover or City of Wilmington.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 189

### CHAPTER 259

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN ASSETS TO THE GENERAL FUNDS OF MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Montgomery County is hereby authorized and empowered, in its discretion, to apply, when collected, all delinquent taxes due said county, which have been due and payable for five years or

Board of County Commissioners of Montgomery County to pay certain delinquent taxes into general county fund.

more, on the date of collection, together with penalties and cost on said taxes, to the general fund of said county.

Act applicable to certain delinquent taxes collected since January 1, 1943.

SEC. 2. The provisions of this Act shall apply to all such delinquent taxes, penalties and cost, which have or may be collected since January the first, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 190

CHAPTER 260

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE RELATIVE TO THE ISSUANCE OF BONDS BY THE GOVERNING BODIES WITHIN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 208, Public-Local Laws, 1925, relative to issuance of bonds by governing bodies in Montgomery County, repealed.

SECTION 1. That Chapter two hundred and eight of the Public-Local Laws of one thousand nine hundred and twenty-five entitled, "An Act making it unlawful for Public Authorities or Governing Bodies within Montgomery County to issue bonds for any purpose whatsoever without submitting the question to the voters of the county or district affected," be, and the same is hereby repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 191

CHAPTER 261

AN ACT TO PLACE ALL SCHOOLS IN HALIFAX TOWNSHIP UNDER THE SUPERVISION, CONTROL AND DIRECTION OF THE HALIFAX COUNTY BOARD OF EDUCATION.

*The General Assembly of North Carolina do enact:*

Schools in Halifax Township placed under control of Halifax County Board of Education.

SECTION 1. That all schools situated in Halifax Township, Halifax County, shall be and are hereby placed under the supervision, control and direction of the Halifax County Board of Education.

SEC. 2. That the title to all school property in Halifax Township shall be vested in the Halifax County Board of Education. Title of school property in said township vested in Board.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the thirtieth day of June, one thousand nine hundred and forty-three. Effective date.

Ratified this the 26th day of February, 1943.

S. B. 199

**CHAPTER 262**

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, AS AMENDED, ENTITLED "AN ACT TO REGULATE THE DUTIES OF SHERIFF OF EDGECOMBE COUNTY AND ESTABLISH OFFICE OF TAX COLLECTOR OF EDGECOMBE COUNTY," TO INCREASE SALARIES OF SHERIFF AND DEPUTY SHERIFFS OF EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-three, as amended by Chapter four hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirty-three and Chapter three hundred and seventy-eight of the Public-Local Laws of one thousand nine hundred and thirty-five, be, and the same is hereby amended by striking out and repealing Section three, as amended, and inserting in lieu thereof the following: Ch. 258, Public-Local Laws, 1933, amended.

"SEC. 3. That the Sheriff of Edgecombe County shall have no duty, power or obligation in reference to the collection of taxes, but shall continue to discharge the other duties of the office as now provided by law. That the sheriff shall receive as compensation for his services the monthly salary of three hundred dollars (\$300.00), and all fees and commissions which are now allowed or may hereafter be allowed for services not connected with the collection of taxes; and the said sheriff is hereby authorized and empowered, in his discretion, to appoint three (3) deputies at salaries to be determined and fixed by him, the aggregate of the combined salaries not to exceed four hundred and seventy-five dollars (\$475.00) per month, which salaries shall be paid from the general fund of Edgecombe County." Sheriff of Edgecombe County under no duty as to collection of taxes.  
Compensation of sheriff.  
Sheriff permitted to appoint three deputies.  
Compensation of deputies.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 204

CHAPTER 263

AN ACT TO PROVIDE FOR THE SYSTEMATIC ADVERTISING OF THE RESOURCES AND ADVANTAGES OF ROWAN COUNTY AND TO AUTHORIZE EXPENDITURES THEREFOR.

Preamble:  
Advantages offered by Rowan County.

WHEREAS, Rowan County offers unlimited advantages and resources to industry, to agriculture, to the tourist and to the home seeker; and

WHEREAS, these advantages are inadequately known throughout the nation; and

Advantages should be made known.

WHEREAS, it is essential to the continued expansion of county activities that the resources of Rowan County be made known to the people of this State and nation, to the end that visitors may be invited to come to Rowan County and the establishment of new enterprises may be encouraged: Now, therefore,

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Rowan County and City Council of City of Salisbury permitted to advertise Rowan County.

SECTION 1. That it is hereby declared to be a proper function of the Board of County Commissioners of Rowan County and of the City Council of the City of Salisbury, North Carolina, to map out and to carry into effect, in such manner as they may deem proper, a systematic plan for the advertising of Rowan County, properly presenting, by the use of any available advertising media, the true facts concerning Rowan County and all of its resources.

Authorized to make appropriations therefor.

SEC. 2. That for the purpose of carrying out this Act, the Board of County Commissioners of Rowan County and the City Council of the City of Salisbury, North Carolina, each is hereby authorized and empowered to appropriate out of the general fund of said county or city a sum not to exceed two thousand and five hundred (\$2,500.00) dollars per annum.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 235

## CHAPTER 264

AN ACT TO PROVIDE THE METHOD OF SELECTION OF THE JUDGE AND PROSECUTING ATTORNEY OF THE GENERAL COUNTY COURT OF DUPLIN COUNTY AND TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT JUDGE AND ASSISTANT PROSECUTING ATTORNEY FOR SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, on the first Monday in December, one thousand nine hundred and forty-four, and biennially thereafter, the Board of County Commissioners of Duplin County shall appoint a judge of the general county court of Duplin County, whose term of office shall be for two years and until his successor is appointed and qualified. The salary of said judge shall not be less than one thousand and five hundred dollars (\$1,500.00) per annum, payable monthly.

Board of County Commissioners of Duplin County to appoint Judge of General County Court in 1944 and biennially thereafter.

Salary of Judge.

SEC. 2. On the first Monday in December, one thousand nine hundred and forty-four, and biennially thereafter, the Board of County Commissioners of Duplin County shall appoint a prosecuting attorney of the general county court of Duplin County, whose term of office shall be for two years and until his successor is appointed and qualified. The salary of said prosecuting attorney shall not be less than one thousand and two hundred dollars (\$1,200.00) per annum, payable monthly.

Board to appoint Prosecuting Attorney in 1944 and biennially thereafter.

Salary of Prosecuting Attorney.

SEC. 3. The Board of County Commissioners of Duplin County is authorized and empowered to appoint an assistant judge and an assistant prosecuting attorney for said general county court of Duplin County. The assistant judge so appointed shall serve during the absence of the regular judge, hereinbefore provided for, and shall have, during said period of time, all the powers and authority of the regular judge, and shall receive the compensation provided for the regular judge during said period of absence of said regular judge. The assistant prosecuting attorney shall, in the absence of the regular prosecuting attorney, perform all the duties required of said regular prosecuting attorney, and shall be entitled to the compensation provided for said regular prosecuting attorney during the period of absence of said regular prosecuting attorney.

Board authorized to appoint assistant Judge and Assistant Prosecuting Attorney.

Duties and compensation of such assistants.

SEC. 4. In the case of vacancy in the office of judge or prosecuting attorney by reason of death, resignation, or otherwise, said vacancy shall be filled by the Board of County Commissioners of Duplin County for the unexpired term of the office in which the vacancy occurs.

Vacancies.

SEC. 5. The present incumbents of the office of judge and the office of prosecuting attorney shall hold said offices to which they have been elected until the first Monday in December, one thousand nine hundred and forty-four.

Term of office of present incumbents as Judge and Prosecuting Attorney.

Ch. 136, Public-Local Laws, 1931; repealed.

SEC. 6. That Chapter one hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-one be, and the same is hereby, repealed.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 237

CHAPTER 265

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF IREDELL COUNTY TO REAPPOINT THE COMMISSIONERS OF THE IREDELL-ROWAN DRAINAGE DISTRICT NUMBER ONE, AND RATIFYING ACTIONS OF SAID COMMISSIONERS HERETOFORE APPOINTED.

*The General Assembly of North Carolina do enact:*

C. S. C. of Iredell County authorized to reappoint the commissioners of Iredell-Rowan Drainage District Number one.

To fill vacancies.

Commissioners authorized to collect delinquent taxes and assessments.

Acts heretofore done by commissioners validated.

Conflicting laws repealed.

SECTION 1. That the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to reappoint the commissioners of the Iredell-Rowan Drainage District Number one, upon the expiration of their present terms, and thereafter to reappoint said commissioners upon the expiration of any succeeding terms, and to fill any vacancy which may occur with said commissioners by reason of death, resignation, or otherwise, for the unexpired term. The said commissioners are authorized, empowered and directed to proceed with the collection of delinquent taxes in said district and are authorized and empowered to do all things necessary to collect any and all delinquent assessments now due by landowners in said district. All acts and things heretofore done by the commissioners of said district, in the name and on behalf of same, are hereby validated and confirmed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 246

## CHAPTER 266

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE COUNTY COMMISSIONERS, THE REGISTER OF DEEDS, THE RECORDER AND THE SOLICITOR OF THE IREDELL COUNTY RECORDER'S COURT TO DECEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-SIX, AND TO PROVIDE FOR FOUR-YEAR TERMS THEREAFTER.

*The General Assembly of North Carolina do enact:*

SECTION 1. The terms of office of the incumbent members of the Board of County Commissioners of Iredell County, the Register of Deeds, the Recorder and the Solicitor of the Iredell County Recorder's Court are hereby extended to the first Monday in December, one thousand nine hundred and forty-six, and until their successors are elected and qualified.

Terms of office of certain officers of Iredell County extended.

SEC. 2. In the general election of one thousand nine hundred and forty-six and quadrennially thereafter, there shall be elected by the qualified voters of Iredell County a Judge and Solicitor of the Iredell County Recorder's Court and all members of the board of county commissioners and a register of deeds, whose terms of office shall be four years from the first Monday in December thereafter.

Officers to be elected in 1946 and quadrennially thereafter.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 247

## CHAPTER 267

AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF THE CITY OF STATESVILLE FROM TWO YEARS TO FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Mayor of the City of Statesville shall, at the next city election and quadrennially thereafter, be elected for a term of four years. The mayor elected at the next election shall serve for a term of four years or until his successor is qualified, and each mayor elected quadrennially thereafter shall serve for a term of four years.

Term of office of Mayor of City of Statesville.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 39

CHAPTER 268

AN ACT TO AMEND SECTION FOUR THOUSAND FOUR HUNDRED AND FIFTY-EIGHT OF THE CONSOLIDATED STATUTES, SO AS TO REGULATE THE PUNISHMENT FOR PUBLIC DRUNKENNESS IN MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 4458,  
amended.

SECTION 1. Section four thousand four hundred and fifty-eight of the Consolidated Statutes of North Carolina, as amended, which provides a penalty for public drunkenness in certain counties, is hereby further amended by adding at the end thereof a new subsection to read as follows:

Penalties for  
public drunken-  
ness in certain  
counties.

“In Harnett, Mecklenburg, Montgomery, Nash, Pender, and Wilson Counties, by a fine, for the first offense of not more than fifty dollars, or imprisonment for not more than thirty days; for the second offense within a period of twelve months by a fine of not more than one hundred dollars, or imprisonment for not more than sixty days; and for the third offense within any twelve months' period, such third offense is to be declared a misdemeanor, punishable within the discretion of the court.”

C. S. 4458 re-  
pealed in part.

SEC. 2. Any subsection of Section four thousand four hundred and fifty-eight of the Consolidated Statutes, as amended, which provides a penalty for public drunkenness exclusively for one or more counties named in Section one of this Act, is hereby repealed.

C. S. 4458,  
amended.

SEC. 3. Any subsection of Section four thousand four hundred and fifty-eight of the Consolidated Statutes, as amended, which provides a penalty for public drunkenness in any county or counties named in Section one of this Act and any other county or counties is hereby amended by striking from such subsection the name of any such county or counties which appear in Section one of this Act.

Conflicting  
laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 46

## CHAPTER 269

AN ACT TO PROVIDE THAT ALL COUNTY OFFICERS OF CURRITUCK COUNTY SHALL FURNISH AT THEIR OWN EXPENSE ALL BONDS REQUIRED OF THEM BY STATUTE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Whenever any county officer of Currituck County is required by statute to furnish an official bond, all costs and expenses of providing such bond shall be borne by the said official.

County officers of Currituck County required to bear expenses of their official bonds.

SEC. 2. This Act shall apply only to Currituck County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 218

## CHAPTER 270

AN ACT TO AMEND CHAPTER SEVENTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED, RELATING TO THE MERGER OR CONSOLIDATION OF CORPORATIONS, SO AS TO PERMIT CORPORATIONS OF THIS STATE TO MERGE AS WELL AS CONSOLIDATE, AND TO PERMIT CORPORATIONS OF THIS STATE TO MERGE AND CONSOLIDATE WITH CORPORATIONS OF OTHER STATES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter seventy-seven of the Public Laws of one thousand nine hundred and twenty-five, which added Article thirteen to Chapter twenty-two of the Consolidated Statutes, as amended by Chapter two hundred and nine of the Public Laws of one thousand nine hundred and thirty-one and Chapter five of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same hereby is, amended by rewriting Sections one thousand two hundred and twenty-four (a) through one thousand two hundred and twenty-four (f), inclusive, of said article to read as follows:

Sec. 1, Ch. 77, Public Laws, 1925, amended.

"1224 (a). Consolidation or merger; proceedings for. Any two or more corporations organized under the provisions of this chapter or existing under the laws of this State, for the purpose of carrying on any kind of business, may, as shall be specified in the agreement hereinafter required, be merged into

N. C. corporations permitted to merge or consolidate.

Agreement by directors as to consolidation or merger.

one of such constituent corporations, herein designated as the surviving corporation, or may be consolidated into a new corporation to be formed by means of such consolidation of the constituent corporations, which new corporation is herein designated as the resulting or consolidated corporation; and the directors, or a majority of them, of such corporations as desire to consolidate or merge, may enter into an agreement signed by them and under the corporate seals of the respective corporations, prescribing the terms and conditions of consolidation or merger, the mode of carrying the same into effect, and stating such other facts required or permitted by the provisions of this chapter to be set out in certificates of incorporation, as can be stated in the case of a consolidation or merger, stated in such altered form as the circumstances of the case require, as well as the manner of converting the shares of each of the constituent corporations into shares of the surviving or consolidated corporation, with such other details and provisions as are deemed necessary. The agreement of merger or consolidation may also provide for the distribution of cash, property, or securities, in whole or in part, in lieu of shares of the surviving or consolidated corporation, to stockholders of the constituent corporations or any class of them.

Must be submitted to stockholders.

“Said agreement shall be submitted to the stockholders of each constituent corporation, at a separate meeting thereof, called for the purpose of taking the same into consideration; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each such corporation either has its principal office or conducts its business, (and if there be no newspaper published in such county then in a newspaper published in an adjoining county), and a copy of such notice shall be mailed to the last known post office address of each stockholder of each such corporation, at least twenty days prior to the date of such meeting, and at said meeting said agreement shall be considered and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same; and if the votes of stockholders of each such corporation representing a majority of the outstanding shares of stock entitled to vote shall be for the adoption of the said agreement, then that fact shall be certified on said agreement by the secretary of each such corporation, under the seal thereof; and the agreement so adopted and certified shall be signed by the president or vice president and secretary or assistant secretary of each of such corporations under the corporate seals thereof and acknowledged by the president or vice president of each such corporation before any officer authorized by the laws of this State to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations, and the agreement

Notice to stockholders.

Agreement, if adopted, to be executed by each corporation.

so certified and acknowledged shall be filed in the office of the Secretary of State, and shall thence be taken and deemed to be the agreement and act of consideration or merger of the said corporations; and a copy of said agreement and act of consolidation or merger, duly certified by the Secretary of State under the seal of his office, shall also be recorded in the office of the clerk of the Superior Court of the county of this State in which the principal office of the surviving or consolidated corporation is, or is to be established, and in the offices of the clerks of the Superior Court of the counties of this State in which the respective corporations so merging or consolidating shall have their original certificates of incorporation recorded, or if any of the corporations shall have been specially created by a public Act of the Legislature, then said agreement shall be recorded in the county where such corporation shall have had its principal office, and also in the office of the register of deeds in each county in which either or any of the corporations entering into the merger or consolidation owns any real estate, and such record, or a certified copy thereof, shall be evidence of the agreement and act of consolidation or merger of said corporations, and of the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such consolidation or merger.

Filed with Secretary of State.

Certified copy to be recorded in office of C. S. C. of county of principal office of surviving or consolidated corporation.

To be recorded in certain other counties also.

“Any one or more corporations organized under the provisions of this chapter, or existing under the laws of this State, may consolidate or merge with one or more other corporations organized under the laws of any other state or states of the United States of America, if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger. The constituent corporations may merge into a single corporation, which may be any one of said constituent corporations, or they may consolidate to form a new corporation, which may be a corporation of the State of incorporation of any one of said constituent corporations as shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares or other securities or obligations of the corporation resulting from or surviving such consolidation or merger and such other details and provisions as shall be deemed necessary or proper. There shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation, or other similar document, by the laws of the State, under which the resulting corporation is to be formed or the surviving corporation is to continue to exist, as provided by said agree-

N. C. corporation permitted to merge or consolidate with corporation of another state.

Agreement as to merger or consolidation.

Agreement to be adopted by constituent corporations.

To be filed in office of Secretary of State.

Certified copies to be recorded as provided above.

Requirements when resulting corporation is not to be N. C. corporation.

Secretary of State process agent.

Method of service of process.

Status of old and new corporations.

ment, stated in such form as may be required or permitted by the laws of such state. Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it was formed and, in the case of a North Carolina corporation, in the manner hereinbefore provided. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the Secretary of State and said agreement shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this State. A copy of said agreement, duly certified by the Secretary of State under the seal of his office, shall also be recorded as provided in this section with respect to the consolidation or merger of corporations of this State.

“If the corporation resulting or surviving such consolidation or merger is to be governed by the laws of any state other than the laws of this State, it shall agree that it may be served with process or notice in this State in any proceeding for enforcement of any obligation of any constituent corporation of this State, including any amount to be paid dissatisfied stockholders of any corporation of this State as such amount may be determined pursuant to the provisions of Section one thousand two hundred and twenty-four (c) of this chapter, and shall irrevocably appoint the Secretary of State as its agent to accept service of process or notice in an action or proceeding for the enforcement of payment of any such obligation or any amount to be paid such dissatisfied stockholders and shall specify the address to which a copy of such process or notice shall be mailed by the Secretary of State. Service of such process or notice shall be made by delivering to and leaving with the Secretary of State duplicate copies thereof. The Secretary of State shall forthwith send by registered mail one of such copies to such address so specified, unless such resulting or surviving corporation shall thereafter have designated in writing to the Secretary of State a different address for such purpose, in which case it shall be mailed to the last address so designated.

“1224 (b). Consolidation or merger; status of old and new corporations. When an agreement shall have been signed, acknowledged, filed and recorded, as in the preceding section is required, for all purposes of the laws of this State, the separate existence of all the constituent corporations, parties to said agreement, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the

case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, of each of said constituent corporations, and all and singular, the rights, privileges, powers and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations, shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the resulting or surviving corporation as they were of the several and respective constituent corporations, and the title to any real estate, whether vested by deed or otherwise, under the laws of this State, vested in any of such constituent corporations, shall not revert or be in any way impaired by reason of such consolidation or merger: Provided, however, that all rights of creditors and all liens upon the property of either or any of said constituent corporations shall be preserved unimpaired, limited in lien to the property affected by such lien at the time of the merger or consolidation, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Property and powers of new corporation.

Rights of creditors and lienholders preserved.

Debts of constituent corporations attach to new corporation.

"If the surviving or resulting corporation be a corporation of this State, then upon the agreement of merger or consolidation being signed, acknowledged, filed and recorded, as is provided in the preceding section, the certificate of incorporation of the surviving corporation shall be deemed to be amended to the extent, if any, that changes in its certificate of incorporation are stated in the agreement of merger; and, in cases of consolidation, the statements set forth in the agreement of consolidation, and which are required or permitted to be set forth in certificates of incorporation of corporations organized under the laws of this State, shall be deemed to be the certificate of incorporation of the consolidated or resulting corporation: Provided, that such resulting or surviving corporation, if it be a corporation of this State, shall not, by reason of any merger or consolidation with any corporation formed under the laws of any other state, acquire authority to engage in any business or exercise any right or privilege which may not be engaged in or exercised by a corporation organized under the laws of this State.

Effect of agreement of merger or consolidation on certificate of incorporation, where new corporation is to be N. C. corporation.

New corporation, if N. C. corporation, can acquire no rights or powers not permitted to N. C. corporations.

"The shares of stock of any of the constituent corporations, which are to be converted into shares or other securities or obligations of the surviving or resulting corporation, or for

Disposition of stock of constituent corporations.

Rights of owners of lost or destroyed certificates of stock.

which cash is to be distributed, must be surrendered by the holders thereof to the surviving or resulting corporation before receiving the shares or other securities or obligations of such surviving or resulting corporation, or such cash distributions, and the shares so surrendered shall be cancelled by the surviving or resulting corporation, unless the agreement of merger or consolidation otherwise provides. If any certificate of stock in any of the constituent corporations shall have been lost, destroyed or misplaced, the owner thereof shall have the right to receive from the surviving or resulting corporation shares or other securities or obligations of the surviving or resulting corporation, or such cash distribution, as may be provided in said agreement of merger or consolidation, upon indemnifying such surviving or resulting corporation against loss, in the manner provided by law for the reissue of lost stock. If the person owning such lost, destroyed or misplaced certificate in one of the constituent corporations shall be dissatisfied with the terms of the merger and shall object thereto, he shall have the same right to have the value of his stock appraised and paid for, and to appeal to the courts, as is provided herein for other dissatisfied stockholders, upon giving security and indemnifying the surviving or resulting corporation against loss on account of the payment for such lost, destroyed or misplaced certificate of stock.

Rights of objecting stockholders.

“1224 (c). Consolidation or merger; payment for stock of dissatisfied stockholder. If any stockholder, entitled to vote, in any corporation of this State consolidating or merging as aforesaid shall vote against the same, or if any stockholder in any such corporation, not entitled to vote, shall, at or prior to the taking of the vote, object in writing to such merger or consolidation, and if any such stockholder shall, within twenty days after the agreement of consolidation or merger has been filed and recorded in the office of the Secretary of State, as hereinbefore provided, demand in writing from the surviving or resulting corporation payment of his stock, such surviving or resulting corporation shall, within thirty days thereafter, pay to him the fair value of his stock without regard to any depreciation or appreciation thereof in consequence of the merger or consolidation. In case the fair value of said stock is not paid within said thirty-day period, or such stockholder and the surviving or resulting corporation do not within said period enter into a written agreement for the payment of said stock, then such stockholder, within thirty days after the expiration of the aforesaid thirty-day period, shall apply by petition to the Superior Court of the county wherein the principal office of the constituent corporation, in which he is or was a stockholder, is or was located for the appointment of three appraisers to appraise the fair value of such stock. A summons as in other cases of special proceedings, together with a copy of the petition, must be served on the surviving or

Petition to Superior Court for appraisers to value stock.

Summons and petition to be served on corporation.

resulting corporation at least ten days prior to the hearing of the petition by the court. The award of the appraisers (or a majority of them), if no exceptions be filed thereto within ten days after the award shall have been filed in court, shall be confirmed by the court, and when confirmed shall be final and conclusive. If either party file exceptions to said award within said ten days, the case shall be transferred to the civil issue docket of the Superior Court for trial during term and shall be there tried in the same manner, as near as may be practicable, as is provided in Chapter thirty-three of the Consolidated Statutes for the trial of cases under the eminent domain law of this State, and with the same right of appeal to the Supreme Court as is permitted in said chapter. The court shall assess the cost of said proceedings as it shall deem equitable.

Award of appraisers.

Exceptions to appraisers' award.

Trial in Superior Court.

Right of appeal.

Cost of proceeding.

“On the making of said demand in writing, as aforesaid, any such stockholder shall cease to be a stockholder in said constituent corporation and shall have no rights with respect to such stock, except the right to receive payment therefor, as aforesaid, and upon payment of the agreed value of said stock, or the value thereof as fixed by final judgment of the court, such stockholder shall surrender the certificate or certificates representing his shares of stock to the surviving or resulting corporation. In the event the surviving or resulting corporation shall fail to pay the amount of said judgment within ten days after the same becomes final, said judgment may be collected and enforced in the manner prescribed by law for the enforcement of judgments.

Such stockholders to surrender certificates to corporation upon payment of value of stock.

“Any stockholder in either or any of the constituent corporations, entitled to vote, who does not vote against the merger or consolidation, and any stockholder, not entitled to vote, who does not object thereto in writing as aforesaid, shall cease to be a stockholder in such constituent corporation and shall be deemed to have assented to the merger or consolidation, as the case may be, together with stockholders voting in favor of the merger or consolidation, in the manner and on the terms specified in the agreement of merger or consolidation; and any stockholder in either or any of said constituent corporations voting against said merger or consolidation, or objecting thereto in writing as hereinbefore provided, but who does not demand payment for his stock within the twenty-day period, as hereinbefore provided, or who does not apply to the court to have the value thereof determined as hereinbefore provided, shall likewise cease to be a stockholder in such constituent corporation and shall likewise be deemed to have consented to said merger or consolidation.

Nonvoting stockholders and certain other stockholders deemed to have assented.

“1224 (d). Consolidation or merger; pending actions saved. Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted to judgment, as if such consolidation or merger had not taken place or

Actions pending at time of consolidation or merger unaffected.

the corporation resulting from or surviving such consolidation or merger may be substituted in its place.

Liability of constituent corporations, stockholders and officers unimpaired.

“1224 (e). Liability of corporations and rights of others unimpaired by consolidation or merger. The liability of corporations created under this chapter, or existing under the laws of this State, or the stockholders or officers thereof, or the rights or remedies of the creditors thereof, or of persons doing or transacting business with such corporations, shall not, in any way, be lessened or impaired by the consolidation or merger of two or more of such corporations under the provisions of this chapter.

Powers of merged or consolidated corporation.

“1224 (f). Powers of corporation resulting from or surviving consolidation or merger. When two or more corporations are consolidated or merged, the corporation resulting from or surviving such consolidation or merger shall have power and authority to issue bonds or other obligations, negotiable or otherwise, and with or without coupons or interest certificates thereto attached, to an amount sufficient with its capital stock to provide for all the payments it will be required to make, or obligations it will be required to assume, in order to effect such consolidation or merger; to secure the payment of which bonds and obligations it shall be lawful to mortgage its corporate franchise, rights, privileges and property, real, personal, and mixed; and may issue its capital stock, with or without par value, or in classes, any class of which may be with or without par value, to the stockholders of such constituent corporations in exchange or payment for the original shares, in such amount as shall be necessary in accordance with the terms of the agreement of consolidation or merger in order to effect such consolidation or merger in the manner and on the terms specified in such agreement; provided, that the only fees that shall be collected from said surviving or resulting corporation shall be office or filing fees and charter fees upon any increase in the authorized capital stock of the surviving or resulting corporation in excess of that provided for in the charters of the constituent corporations when the authorized capital stock of said constituent corporations shall be added together.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 319

## CHAPTER 271

AN ACT TO EXTEND THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF HUNTERSVILLE, IN MECKLENBURG COUNTY, TO INCLUDE ALL OF THE TERRITORY SITUATED WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. The chief of police and each and every member of the police department of the Town of Huntersville, in Mecklenburg County, are hereby given the same jurisdiction and power in all territory situated within one mile of the corporate limits of said Town of Huntersville as is now exercised by police officers within the corporate limits of said town.

Jurisdiction of police officers of Town of Huntersville in Mecklenburg County extended.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 336

## CHAPTER 272

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATIVE TO THE ORGANIZATION AND MANAGEMENT OF MUTUAL BURIAL ASSOCIATIONS AND TO PROVIDE FOR SUPERVISION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Article four of Section four of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one, be, and the same is hereby amended by striking out the last sentence of said article and inserting in lieu thereof the following:

Art. 4, Sec. 4, Ch. 130, Public Laws, 1941, amended.

“The books of the association, together with all records and bank accounts shall be at all times open to the inspection of the Burial Association Commissioner or his duly constituted auditors or representatives. It shall be the duty of the secretary or secretary-treasurer of each association to keep the books of the association posted up to date so that the financial standing of the association may be readily ascertained by the Burial Association Commissioner or any auditor or representative employed by him. Upon the failure of any secretary or secretary-treasurer to comply with this provision, it shall be the duty of the Burial Association Commissioner to employ an auditor or

Duties of mutual burial associations and powers of Burial Association Commissioner as to books of associations.

bookkeeper to take charge of the books of the association and do whatever work is necessary to bring the books up to date. The Burial Association Commissioner shall have the power and authority to set a fee sufficient to pay the said auditor or bookkeeper for the work done upon the books of said association and the secretary or secretary-treasurer of the association shall pay the fees as specified by the Burial Association Commissioner out of the funds of the burial association. This fee must be included in the twenty-five per cent allowed by law for the operation of the burial associations."

Art. 6, amended.

That Article six of Section four of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out the words "and the frequency of the assessments will be governed by the death rate within the association" in lines seven, eight, and nine, and inserting a period in place of the comma after the word "standing" in line seven of said article.

Art. 11 amended.

That Article eleven of Section four of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby further amended by striking out the words "until the next assessment period" in line seven of said article.

Art. 13 amended as to outlay for paying Burial Association Commissioner, auditors, and office expenses.

SEC. 2. That Article thirteen of Section four of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out in line seven of said section the words and figures "seventeen thousand dollars (\$17,000.00)" and inserting in lieu thereof the words and figures "twenty-five thousand dollars (\$25,000.00)."

Sec. 6, Ch. 130, Public Laws, 1941, amended.

SEC. 3. That Section six of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by inserting after the word "association" in line five of said section the words "which assessment shall in no case exceed twenty-five thousand dollars (\$25,000.00)" and by adding at the end of said section the following:

Time of assessments and payment thereof.

"This assessment shall be made on the first day of July of each and every year and said assessment shall be paid within thirty days thereafter. That in case any association shall fail or refuse to pay such assessment within thirty days, it shall be the duty of the Burial Association Commissioner to transfer all memberships and assets of every kind and description to the nearest next association that is found by the Burial Association Commissioner to be in good sound financial condition."

Consequences of failure to pay assessments.

Sec. 14 amended.

SEC. 4. That Section fourteen of Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out

all of the said section after the word "located" in line seven thereof and inserting in lieu thereof the following:

"Provided, said association shall give notice of appeal in writing to the Burial Association Commissioner within ten days from the date of order revoking the said license and the said association giving notice of appeal shall deposit with the Burial Association Commissioner an amount sufficient to cover appeal fees, which the Burial Association Commissioner shall pay to the clerk of the Superior Court. Upon receipt of said notice of appeal, the Burial Association Commissioner shall file with the clerk of the Superior Court of the county in which the burial association is located the decision of the Burial Association Commissioner and the clerk of the Superior Court shall transfer the appeal to the civil issue docket as in cases of appeal from a justice of the peace and the same shall be heard de novo. If upon the revocation of a license of a burial association by the Burial Association Commissioner and where the burial association gives the proper notice of appeal, the burial association shall be permitted to operate until a final decision has been made by the higher court."

Appeal from action of Burial Association Commissioner revoking license of association.

Association permitted to operate until decision by court.

SEC. 5. That Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out all of Section fifteen of said chapter and inserting in lieu thereof the following:

Sec. 15 rewritten.

"SEC. 15. That the secretary or secretary-treasurer of any burial association shall, before entering upon the duties of his office and for the faithful performance thereof, execute a bond payable to the association in some bonding company licensed to do business in this State, to be approved by the Burial Association Commissioner, in a sum not less than twenty-five per cent of the surplus of the said association as shown by the financial statement rendered December thirty-first of each year, but in no event shall said bond be less than one thousand dollars (\$1,000.00) and the said bond shall be deposited with the Burial Association Commissioner for safekeeping: Provided, that if any association operates a branch for members of a colored race and the officers of both associations are the same, then the provisions of this Act shall apply as of one association: Provided, further, however, that any burial association, with the consent and approval of the Burial Association Commissioner, may give a bond secured by deed of trust on real estate situated in North Carolina, in lieu of procuring said bond from a bonding company; and the bond thus given is not to exceed tax value for the current year of the real estate securing the same. The said deed of trust is to be deposited with the Burial Association Commissioner and the said deed of trust must constitute a first lien on the property secured by the deed of trust."

Bond of secretary or secretary-treasurer of burial associations.

Ch. 130, Public  
Laws, 1941,  
amended.

SEC. 6. That Chapter one hundred and thirty of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby further amended by inserting after Section fifteen the following new sections:

Number of  
assessments.

"SEC. 15 (a). That each association shall make not less than eight single or four double assessments per annum until such association shall have on hand a surplus of three dollars (\$3.00) per member as shown on the annual statement herein required to be filed by the association. When any association has accumulated such surplus, the association, with the consent of the Burial Association Commissioner, may reduce the number of assessments to be made in any one year, which number shall be fixed by the Burial Association Commissioner: Provided, however, that the Burial Association Commissioner shall have the power to increase the number of assessments to be made in any one year when in his opinion the same shall be necessary in order to take care of the death loss.

Assessments may  
be reduced under  
certain conditions.

Commission may  
increase the num-  
ber of assess-  
ments.

Membership of at  
least 800 required.

"SEC. 15 (b). That each burial association shall at all times maintain an active membership of at least eight hundred members and should any association fail to secure the same within ninety days from the date of the granting of its charter, or at any time allow its active membership to fall below eight hundred members, the Burial Association Commissioner shall revoke its license and transfer its membership to another association.

License revoked  
when membership  
less than 800.

Procedure where  
burial association  
official trans-  
acts business  
fraudulently, etc.

"SEC. 15 (c). When after examination the Burial Association Commissioner is satisfied that any burial association official, employee, or representative has failed to comply with any provision of Section four of this Act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently, the Burial Association Commissioner shall call a meeting of all officers of said association and present the facts and the officers of said association shall immediately call a meeting of the said association membership. A meeting of the said association membership shall constitute a quorum when as many as fifteen of the members are present. When the membership shall meet, it shall be the duty of the Burial Association Commissioner to submit all of the facts relative thereto to the officers and membership present in the said meeting. It shall then become the duty of the membership to proceed to the election of a new officer to fill the unexpired term of the officer whom the charges have been brought against by the Burial Association Commissioner. If the membership of the burial association fails and refuses to elect a new officer, then it shall be the duty of the Burial Association Commissioner to cancel the license of the said burial association and transfer its membership, together with all of its assets to another association that is found by the Burial Asso-

Meeting of asso-  
ciation member-  
ship.

Membership to  
replace officer  
against whom  
Commissioner has  
brought charges.

Upon failure to  
do so, Commis-  
sioner to cancel  
license of said  
association.

ciation Commissioner to be in good sound financial condition. The burial association shall have the right of appeal from this decision as set up in Section four of this Act.

“SEC. 15 (d). That any officer or employee of any burial association authorized to do business under this Act, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining money from or benefit any burial association transacting business under this Act, or who shall make any false financial statement to the Burial Association Commissioner or to its membership shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.”

Making of certain false or fraudulent statements made misdemeanor.

SEC. 7. That if any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Partial invalidity section.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 355

## CHAPTER 273

### AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN TRANSYLVANIA COUNTY AND THE TOWN OF BREVARD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Transylvania County that any real or personal property has been listed for taxes at an excessive valuation, and on which there is outstanding delinquent taxes which have accrued prior to the year one thousand nine hundred and thirty-four, the said board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested party for the taxes due Transylvania County on said property as in their judgment is fair and just and which will best subserve the interest of the county. All such taxes shall be payable in cash only, and no reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the commissioners as fair and just. When said money is paid, the tax collector shall issue to the taxpayer or other interested party

Board of Commissioners of Transylvania County permitted to adjust certain delinquent taxes.

No reduction unless taxpayer pays amount fixed by commissioners.

a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property from the year one thousand nine hundred and thirty-four to and including current taxes due at the time such reduction or settlement and payment is made.

Taxpayer must pay all taxes due from 1934 to and including current taxes.

Board of Aldermen of Town of Brevard permitted to adjust certain delinquent taxes.

SEC. 2. That when it shall appear to the satisfaction of the Board of Aldermen of the Town of Brevard that any real or personal property has been listed for taxes at an excessive valuation, and on which there is outstanding delinquent taxes which have accrued prior to the year one thousand nine hundred and thirty-four, the said board is hereby authorized and empowered to make such reduction or settlement with the taxpayer or other interested party for the taxes due the Town of Brevard on said property as in their judgment is fair and just and which will best subserve the interest of the town. No reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the board of aldermen as fair and just. When said amount is paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property from the year one thousand nine hundred and thirty-four to and including current taxes due at the time such reduction or settlement and payment is made.

No reduction unless taxpayer pays amount fixed by Board.

Taxpayer must pay all taxes due from 1934 to and including current taxes.

Act void two years after ratification.

SEC. 3. The provisions of this Act shall become void and inoperative at the expiration of two years from the date of its ratification.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 356

## CHAPTER 274

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY TO APPROPRIATE TO THE GENERAL FUND ALL TAXES DUE THE COUNTY MORE THAN TWO YEARS DELINQUENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Transylvania County are hereby authorized to appropriate to the general fund of Transylvania County all taxes due the county that are more than two years delinquent.

Disposition of certain delinquent taxes due Transylvania County.

SEC. 2. That all laws, or clauses of laws, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 359

## CHAPTER 275

AN ACT AUTHORIZING, EMPOWERING, AND DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO DEPOSIT ALL SUMS OF MONEY COLLECTED FROM TAXES FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-FOUR, AND YEARS PRIOR THERETO, TO THE COUNTY GENERAL FUND AND SCHOOL FUND, SAID AMOUNTS TO BE DIVIDED EQUALLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Onslow County is hereby authorized, empowered, and directed to deposit all sums of money collected from taxes for the year one thousand nine hundred and thirty-four, and years prior thereto, to the county general fund and school fund, said amounts so collected to be divided equally between the aforesaid mentioned funds.

Board of County Commissioners of Onslow County directed to deposit certain delinquent taxes equally to county general fund and school fund.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 362

## CHAPTER 276

AN ACT AMENDING CHAPTER ONE HUNDRED AND NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, THE SAME BEING ENTITLED AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF GREENSBORO.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 109,  
Private Laws,  
1933, rewritten.

SECTION 1. That Section one of Chapter one hundred and nine of the Private Laws of one thousand nine hundred and thirty-three, as amended, be and the same is hereby amended to read as follows:

City Council of  
City of Greens-  
boro authorized  
to extend time  
for payment of  
special assess-  
ments.

“The time for payment of any or all special assessments or installments of special assessments heretofore levied by the City of Greensboro for local improvements, together with all or any part of the interest accrued thereon, may be extended by resolution of the city council of said city adopted before July first, one thousand nine hundred and forty-five, upon such terms and conditions as may be prescribed by such resolution, so that such special assessments, installments and interest shall become due and payable in not more than ten equal annual installments payable in each year on the same date that such assessments were payable under the original resolution confirming such assessments beginning in the year one thousand nine hundred and forty-three. Any installment or installments, together with accrued interest, extended in accordance with the provisions of this Act shall bear interest at the same rate as originally prescribed: Provided, however, first, that such extension shall not prevent the payment of any assessment or interest at any time: Provided, second, that all assessments contained in the same assessment roll may be extended without discrimination in favor of or against any property, except that assessments in arrears may be extended without extending assessments not in arrears.”

Installments to  
bear interest.

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 363

## CHAPTER 277

## AN ACT TO PROHIBIT THE MANUFACTURE, PURCHASE, SALE, DEALING IN, TRANSPORTATION, POSSESSION, ADVERTISEMENT AND USE OF PYROTECHNICS IN DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within Davidson County: Provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: Provided, further, that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured a permit from the county, city or municipality in which said pyrotechnics are to be exhibited, used or discharged.

Manufacture, sale, possession, etc., of pyrotechnics unlawful in Davidson County.

Use at public exhibitions permissible when supervised by expert.

Permit required.

SEC. 2. That in case of sale or purchase of pyrotechnics, where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee.

Sale deemed made in county when delivery is made by carrier to consignee.

SEC. 3. That possession of pyrotechnics by any person, for any purpose other than those permitted under this Act, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being sold, bartered, exchanged, given away, furnished, otherwise disposed of, or used in violation of the provisions of this Act.

Possession prima facie evidence that such pyrotechnics are kept for sale, etc., in violation of this Act.

SEC. 4. That for the purpose of enforcing the provisions of this Act, the Sheriff of Davidson County and the chiefs of police in all cities and towns within Davidson County are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Any person desiring to secure a permit as aforementioned shall make application to the Sheriff of Davidson County in which said pyrotechnics are to be used or to the chief of police of the municipality in which said pyrotechnics are to be used.

Sheriff and chiefs of police authorized to issue permits for use at public exhibitions.

Application for permit.

SEC. 5. That for the proper construction of the provisions of this Act, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes: Pro-

"Pyrotechnics" defined.

vided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms.

Violation made  
misdemeanor.

SEC. 6. That any person violating any of the provisions of this Act, except as otherwise specified in said Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Partial in-  
validity section.

SEC. 7. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Conflicting  
laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 366

## CHAPTER 278

AN ACT TO ABOLISH THE OFFICE OF TREASURER OF WASHINGTON COUNTY AND TO NAME A BANK TO ACT AS A DEPOSITORY IN LIEU THEREOF.

*The General Assembly of North Carolina do enact:*

Office of County  
Treasurer of  
Washington  
County abolished.

SECTION 1. The office of County Treasurer of Washington County is hereby abolished from and after the first Monday in December, one thousand nine hundred and forty-four. The Plymouth branch of the Branch Banking and Trust Company is hereby appointed financial agent for the county for a term of two years from and after said first Monday in December, one thousand nine hundred and forty-four, and said bank shall perform the duties now performed by the treasurer of the county. Such bank shall not charge nor receive any compensation for such services, other than such advantages and benefit as may accrue from the deposit of the county funds in the regular course of banking. Said bank shall be required to execute the same bond for the safekeeping and proper accounting of such funds as may come into its possession and belonging to such county and for the faithful discharge of its duties, as is now required by law of county treasurers. The board of county commissioners shall pay the premium on such bond out of the general fund of the county. On the expiration of his term of

Financial agent  
appointed.

Duties.

No compensation.

Bond required.

Bond premium  
to be paid from  
county general  
fund.

office, the Treasurer of Washington County shall turn over to said bank all moneys, funds, accounts and other records which he may have in his possession by virtue of his office.

The Board of County Commissioners of Washington County is authorized to reappoint said bank, or to appoint some other bank within the county, biennially thereafter for a term of two years to act as financial agent of the county, subject to the same terms and conditions as are set out in this section. In the event the said bank, or any successor bank so appointed, either refuses to accept such appointment or resigns such position as financial agent, the board of county commissioners shall appoint a county treasurer under the provisions of the laws in force with respect to a Treasurer of Washington County prior to the enactment of this Act, who shall be subject to all the provisions of said laws with respect to such county treasurer, who shall serve for the unexpired term and until his successor, duly elected at the next succeeding general election, has qualified.

Board of County Commissioners to appoint financial agent biennially thereafter.

Where bank refuses appointment or resigns, Board to appoint county treasurer.

SEC. 2. All laws and clauses of laws in conflict with this Act, to the extent of such conflict, are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 383

## CHAPTER 279

### AN ACT TO FIX THE SALARIES OF THE BOARD OF COUNTY COMMISSIONERS OF BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That as compensation for their services the members of the Board of County Commissioners of Bertie County shall be paid as follows: the chairman of the board of county commissioners shall receive twenty-five dollars (\$25.00) per year and also twelve dollars and fifty cents (\$12.50) per day for each day the board is in session, regular or special; and each other commissioner shall receive ten dollars (\$10.00) per day for each day the board is in session, regular or special; and the chairman and each other commissioner shall also receive as travel expense ten cents (10¢) per mile, one way, for the distance necessarily traveled by him from his residence to the meeting place of the board for each day that the board is in session, regular or special.

Compensation of Board of County Commissioners of Bertie County.

Travel expense.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 390

CHAPTER 280

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF TRANSYLVANIA COUNTY AND THE TOWN OF BREVARD, BY WRITTEN AGREEMENT TO PROVIDE FOR THE JOINT COLLECTION OF TAXES FOR SAID COUNTY AND TOWN.

*The General Assembly of North Carolina do enact:*

Governing bodies of Transylvania County and Town of Brevard authorized to make agreement for joint collection of county and town taxes.

SECTION 1. The governing body of Transylvania County and the governing body of the Town of Brevard are hereby authorized and empowered, whenever in their judgment they deem it for the best interests of said county and town, to provide by written agreement for the joint collection of taxes due said county and town by the Tax Collector of Transylvania County.

Provision for expenses of joint collection.

SEC. 2. The said governing bodies are hereby authorized and empowered to provide by such written agreement for the expenses of such joint collection of taxes and all administrative details in connection therewith.

In event of consolidation, powers of county and town tax collectors to be exercised by county tax collector.

SEC. 3. Any and all powers and authority now or hereafter vested in the Tax Collector of Transylvania County and in the Tax Collector of the Town of Brevard may and shall, in the event of a consolidation of such tax collecting offices, as aforesaid, be exercised and performed by the Tax Collector of Transylvania County to the same extent that such powers and authority may be exercised by the Tax Collector of Transylvania County and the Tax Collector of the Town of Brevard before such consolidation.

Agreement not to exceed two year period.

SEC. 4. No such agreement shall be made by the governing body of the County of Transylvania or the Town of Brevard for a period of more than two years from the date thereof, but such agreement may be renewed at the expiration of each two-year period for an additional term of two years.

May be renewed.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 400

CHAPTER 281

AN ACT TO PROVIDE FOR THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Each member of the Board of Commissioners of Rutherford County, including the chairman, shall be paid fifty dollars (\$50.00) a month, out of the general fund of the county, such monthly salary to be in lieu of all other compensation or mileage allowances.

Compensation of Board of Commissioners of Rutherford County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 26th day of February, 1943.

H. B. 404

CHAPTER 282

AN ACT TO AMEND CHAPTER SIXTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO THE OFFICERS OF THE TOWN OF FAIRMONT, SO AS TO PROVIDE SALARIES FOR THE MAYOR AND TOWN COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter sixty-five of the Private Laws of one thousand nine hundred and twenty-five, relating to the officers of the Town of Fairmont, is hereby amended by adding at the end of Section one of said chapter the following: "The mayor shall receive as compensation for his services the sum of three hundred dollars (\$300.00) per annum, and the commissioners shall receive as compensation for their services the sum of one hundred dollars (\$100.00) per annum, the said compensations to be paid out of the treasury of the Town of Fairmont as in case of other expenditures."

Ch. 65, Private Laws, 1925, amended.

Compensation of Mayor and Commissioners of Town of Fairmont.

SEC. 2. All payments of compensation heretofore made from the treasury of the Town of Fairmont to the mayor and commissioners for the discharge of their duties are hereby validated.

Payments of compensation heretofore made to Mayor and Commissioners validated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 408

## CHAPTER 283

## AN ACT TO AUTHORIZE McDOWELL COUNTY TO ESTABLISH AND MAINTAIN A COUNTY LAW LIBRARY.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of McDowell County authorized to maintain county law library.

SECTION 1. The Board of Commissioners of McDowell County is hereby authorized to establish and maintain a county law library, to accept gifts and bequests for that purpose, and from time to time to adopt and amend reasonable rules and regulations for the use thereof.

Persons entitled to use library.

SEC. 2. Any judge or solicitor of North Carolina, any Senator or Representative from McDowell County, any officer of McDowell County or of any town or city situate within said county, any person having a civil or criminal case in either the Superior Court of McDowell County, the Recorder's Court of McDowell County, or the Mayor's Court of the Town of Marion or Old Fort, any representative of the press reporting the trial of cases and any and all lawyers now or hereafter engaged in the practice of law within McDowell County may use the library without charge, subject to the rules and regulations enacted by the board of county commissioners.

Certain fees to be taxed as part of costs in cases in McDowell County.

SEC. 3. The following fees shall be taxed as a part of the costs in cases tried in the Superior Court of McDowell County, in McDowell County Recorder's Court and in the Mayor's Courts of the Town of Marion and Old Fort:

- (1) Criminal cases:
  - (a) Misdemeanors ..... fifty cents
  - (b) Felonies ..... one dollar
  - (c) Mayor's court cases ..... twenty-five cents
- (2) Civil cases ..... one dollar

In the event of acquittal or the failure of any defendant to pay the costs, the fees above mentioned shall not be taxed against McDowell County or the Town of Marion or the Town of Old Fort.

Monthly reports as to such costs.

SEC. 4. The clerks of each of said courts shall collect such costs, shall make a monthly report thereof to the chairman of the board of county commissioners and to the Chairman of the Library Committee of the McDowell County Bar Association. The costs so collected by the Mayors' Courts of the Towns of Marion and Old Fort shall be remitted on or before the tenth day of the following month to the Clerk of the Superior Court of McDowell County, who shall deposit same, together with such fees collected by his office, in a special account to be known as "McDowell Law Library Fund."

Costs to be deposited by C. S. C. in "McDowell Law Library Fund."

SEC. 5. The unincorporated association known as McDowell Bar Association shall annually appoint, or authorize its president to appoint, a library committee of not less than three members of said association and the committee so elected or appointed shall have power to purchase books and equipment for McDowell Law Library and the clerk of the Superior Court is authorized and empowered to sign checks upon such account in payment of the books and/or equipment so purchased.

Committee to purchase books and equipment.

SEC. 6. The chairman of the library committee, to be elected or appointed from time to time as heretofore stated, shall on the first Monday of June of each year file a written, itemized report, under oath, of all books and equipment purchased during the preceding twelve months' period, and the clerk of the Superior Court shall likewise make a written report, under oath, showing the amounts received from each court, the amount expended and the balance on hand.

To be paid for by C. S. C. from special fund.

Annual accounts by committee as to books and equipment purchased.

Annual accounts by C. S. C. as to receipts, disbursements and balances of special fund.

SEC. 7. All books now on hand and all books and equipment purchased as herein provided, and all books received as gifts and bequests shall be and remain the property of McDowell County.

Books and equipment to be property of McDowell County.

SEC. 8. Any person, firm or corporation violating any rule and regulation adopted by the board of county commissioners under the authority herein conferred shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding fifty dollars or to imprisonment not exceeding thirty days. In the event of a second conviction, for violation of such rules or regulations, such person, firm or corporation shall be deprived of the privilege of using such library or any branch thereof for a period of twelve months.

Violation of regulations of Board of County Commissioners made misdemeanor.

Person convicted second time to be deprived of use of library for twelve months.

SEC. 9. Nothing herein contained shall be construed as authorizing the McDowell Bar Association, or any committee thereof, to create any debt or obligation for or on behalf of McDowell County.

No authority for McDowell Bar Association to create obligation for McDowell County.

SEC. 10. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 410

CHAPTER 284

AN ACT PROVIDING FOR THE APPOINTMENT OF A COURT REPORTER FOR GREENE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Ch. 128, Public Laws, 1935, amended to exclude Greene County from application of said Act.

SECTION 1. That Chapter one hundred and twenty-eight of the Public Laws of North Carolina of one thousand nine hundred and thirty-five be amended by adding at the end of Section seven of said Act the following words: "Provided this Act shall not apply to Greene County."

Resident Judge of Fifth Judicial District to appoint court reporter for Greene County.

SEC. 2. That the resident judge of the Fifth Judicial District be, and he is hereby, authorized and empowered to appoint an official court reporter for Greene County, such appointment to be recorded in the minutes of said court, and may be terminated by the judge at any time upon thirty days' notice.

Reporter to take oath.

SEC. 3. That before entering upon the duties of said office, said reporter shall take and subscribe the following oath:

Form of oath.

"I, \_\_\_\_\_, do solemnly swear that I will to the best of my ability discharge the duties of the office of court reporter in and for the County of Greene and will faithfully transcribe the testimony offered in said courts as the presiding judge may direct or as I may be required to do under the law, so help me, God." Said oath shall be recorded and indexed in the minutes of said court.

Reporter pro tem.

SEC. 4. That if for any cause said reporter is unable to attend upon any courts of said county, the resident judge may appoint a reporter pro tem for said court or courts. In lieu of appointing a reporter pro tem for said county the resident judge may, in his discretion, appoint a reporter pro tem for a stated period, whose duty it shall be to report any and all the courts designated in the appointment which the regular court reporter is for any cause unable to report.

Judge to fix compensation of reporter and reporter pro tem.

SEC. 5. That the resident judge shall likewise fix the compensation to be received by said reporter and said reporter pro tem, provided such compensation shall not exceed ten dollars (\$10.00) per day of actual court time and actual expenses, such payment to be made only after such reporter shall file with the board of commissioners of said county an itemized, verified account, with receipted bills attached when feasible, approved by the clerk of said court.

Admissibility in evidence of testimony transcribed by said reporter.

SEC. 6. That the testimony taken and transcribed by said court reporter or said reporter pro tem, as the case may be, and duly certified, either by the said reporter or the presiding judge at the trial of the cause, may be offered in evidence in any civil action in any of the courts in this State as the deposi-

tion of any witness whose testimony is so taken and transcribed in the same manner and under the same rules governing the introduction of depositions in civil actions; but such transcripts shall be admissible only in the cause in which same was taken.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 420

### CHAPTER 285

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter three hundred and two of the Public-Local Laws of North Carolina, Session of one thousand nine hundred and forty-one, is amended by adding another section to be designated as Section eighty-seven and one half, which shall read as follows:

Ch. 302, Public-  
Local Laws,  
1941, amended.

“SEC. 87½. In all suits to foreclose a lien for ad valorem taxes or special assessments of any kind, instituted in the Superior Court by any city, county or other governmental agency, where final judgment is entered by the clerk or a judge of the Superior Court, the Clerk of the Superior Court of Guilford County shall collect in each case the sum of six dollars and fifty cents to cover the clerk’s costs, and the sum of fifty cents to cover the stenographer’s fee, both of which items, when collected, shall be paid to Guilford County as required by law. In all such foreclosure suits where the cause is tried in the Superior Court or heard by the judge on appeal, this provision shall not apply and the usual costs shall be taxed as in all other civil cases.”

Fees to be col-  
lected by C. S. C.  
of Guilford  
County in certain  
tax or special  
assessment fore-  
closure suits.

SEC. 2. All laws and clauses of laws providing for the fees to be collected by the clerk of Superior Court which are in conflict with the provisions of this Act, whether special, local, public-local or general, are hereby expressly repealed in so far as they relate to Guilford County.

Conflicting  
laws repealed.

SEC. 3. This Act shall take effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 426

CHAPTER 286

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE TO ALLOW THE COUNTY COMMISSIONERS OF CASWELL COUNTY, IN THEIR DISCRETION, TO INCREASE THE ALLOWANCE TO THE TAX COLLECTOR FOR CLERICAL HELP.

*The General Assembly of North Carolina do enact:*

Sec. 8, Ch. 360, Public-Local Laws, 1939, amended.

SECTION 1. That Section eight, Chapter three hundred and sixty of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended by adding at the end of said Section eight a new sentence to read as follows:

County Commissioners of Caswell County permitted to pay \$400 to Tax Collector for certain purposes.

“In addition, the county commissioners may, in their discretion, pay to him the sum of four hundred dollars (\$400.00) for clerical hire, or to be used to the best advantage to facilitate the collection of taxes.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after .....

Ratified this the 26th day of February, 1943.

H. B. 427

CHAPTER 287

AN ACT TO AMEND CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, TO CONFER ADDITIONAL POWERS ON THE SANITARY DISTRICTS IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 100, Public Laws, 1927, amended.

SECTION 1. That Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, as amended, in so far as the same is applicable to Caswell County, be further amended by adding thereto a new section to be numbered Section twenty-four (c) and to read as follows:

Certain additional powers conferred on sanitary districts of Caswell County.

“24 (c). In addition to the powers now conferred upon the sanitary districts of Caswell County, all or any of the said sanitary districts in Caswell County shall have the right to contract for lights therein or for a part thereof, as the said district through its officers may provide.”

Application of Act.

SEC. 2. That this Act shall apply to Caswell County only.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 428

## CHAPTER 288

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROXBORO, CHARTER ONE HUNDRED AND SIXTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine, Chapter one hundred and sixty-eight, Private Laws of one thousand eight hundred and eighty-seven, entitled "An Act to reincorporate the Town of Roxboro, and to extend the corporate limits thereof," be amended by striking out the last clause thereof, beginning with the word "Provided," and substituting in lieu thereof the following:

Sec. 9, Ch. 168, Private Laws, 1887, amended.

"Provided, that a member of the board of commissioners may be designated as treasurer and may serve in such capacity while remaining a member of said board of commissioners: Provided, further, that a member of the said board of commissioners may be designated as clerk and may serve in such capacity while remaining a member of the said board."

Member of Board of Commissioners of Town of Roxboro may serve as treasurer.

Member of board may serve as clerk.

SEC. 2. That the treasurer and the clerk appointed by the board of commissioners as herein authorized shall receive such compensation for their services respectively as may be fixed by said board.

Compensation of treasurer and clerk to be fixed by board.

SEC. 3. That if before the ratification of this Act any member of said Board of Commissioners of Roxboro shall have served as treasurer of said town while acting as a member of said board of commissioners and shall have been compensated therefor by act of said board, or if any member of said board shall have served as clerk of said town while acting as a member of said board, and shall have been compensated therefor by act of said board, the same is in every instance validated.

Payment of compensation to clerk and treasurer validated in certain instances.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 430

## CHAPTER 289

AN ACT TO AMEND SECTION THREE THOUSAND NINE HUNDRED AND SEVEN OF THE CONSOLIDATED STATUTES TO PROVIDE FEES FOR THE REGISTER OF DEEDS OF CARTERET COUNTY IN CERTAIN CASES.

*The General Assembly of North Carolina do enact:*

C. S. 3907  
amended.

SECTION 1. That Section three thousand nine hundred and seven of the Consolidated Statutes, as amended, is hereby further amended by adding a new paragraph at the end thereof to read as follows:

Certain additional fees for Register of Deeds of Carteret County provided.

“In Carteret County the Register of Deeds shall receive in addition to all other fees now allowed by law for recording instruments authorized to be registered, the sum of ten cents (.10) per name for each name in excess of five, for cross indexing such names which appear on all instruments presented at his office and recorded therein.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 437

## CHAPTER 290

AN ACT TO FIX THE SALARY OF CLERK OF THE SUPERIOR COURT OF PASQUOTANK COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of C. S. C. of Pasquotank County.

SECTION 1. That the Clerk of the Superior Court of Pasquotank County shall receive in full compensation for all services rendered by him in or by virtue of his said office a salary of two thousand five hundred and eighty dollars (\$2,580.00) per annum, payable in equal monthly installments, from and after February first, one thousand nine hundred and forty-three.

Compensation of assistant or deputy C. S. C.

SEC. 2. That the clerk of the Superior Court shall be paid for the employment of a deputy or assistant clerk an additional sum of one thousand dollars (\$1,000.00) per annum, payable in equal monthly installments, from and after February first, one thousand nine hundred and forty-three.

Fees collected as receiver for minors to be paid into general county fund.

SEC. 3. That the clerk of the Superior Court shall no longer receive any fees or commissions for his services as receiver for minors, but shall continue to collect such fees or commissions and pay them into the general county fund.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 449

## CHAPTER 291

### AN ACT PROVIDING FOR AN EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the City of Goldsboro be, and the same are hereby, extended so that the said corporate limits of said city shall be located as follows, viz.:

Corporate limits of City of Goldsboro extended.

Beginning at the point of intersection of the Southern boundary of West Walnut Street and the Western boundary of the Southern Railroad right of way, and runs thence with the Western boundary and continues beyond, South fifty-four degrees and fifty-five minutes West four thousand one hundred and sixty-eight and two tenths feet to a point in the Southern boundary of the right of way of the Southern Railroad South of the tracks running Eastwardly to the junction with the Atlantic Coastline Railroad; thence along the Southern boundary of the right of way of the Southern Railroad Southeastwardly approximately two thousand one hundred and fifty feet to the point of intersection of the center of Elm Street extended and the Southern boundary of the Southern Railroad right of way; thence South no degrees and twenty-seven minutes West two thousand and twenty-five feet to a point on the North bank of the city drainage ditch; thence South fifty-four degrees and fifty-five minutes East one thousand six hundred and thirty and five tenths feet to a point in the Western boundary of George Street extended (Federal Highway Number one hundred and seventeen); thence South eighty-two degrees and forty minutes East four thousand eight hundred and thirty and three tenths feet to a point in the Western edge of Slocumb Street; thence South seventy-five degrees four minutes East one thousand four hundred and fifty-three and one tenth feet to a stake; thence North fifteen degrees thirty-six minutes East one thousand and thirteen and three tenths feet; thence South eighty-six degrees four minutes East one thousand six hundred and ninety-eight and three tenths feet; thence North twenty-two degrees fifty-six minutes East seven hundred feet; thence South seventy-eight degrees fifty-four minutes East one thousand eight hundred and seven and seven tenths feet to a point about eight hundred feet South of Elm Street; thence North nineteen degrees fifty-eight minutes East, crossing Elm

Corporate limits as extended.

Street, three thousand five hundred and sixteen feet to a point in the Southern boundary of Ash Street (North Carolina Highway Number ten); thence North twenty-two degrees and fifteen minutes East three thousand four hundred and ninety-eight feet to a point in the center of the right of way of the Atlantic and North Carolina Railroad; thence with the center of said right of way North seventy-three degrees and thirty-two minutes West two thousand and eleven feet to a point in the center of said right of way; thence leaving said right of way, North thirty-six degrees and fourteen minutes West three thousand forty and eight tenths feet to a point West of Clingman Street and North of Stronach Street; thence North seventy-three degrees five minutes West one thousand eight hundred feet to a point East of William Street (Federal Highway Number one hundred and seventeen); thence North twenty-six degrees fourteen minutes East two thousand nine hundred and sixteen and six tenths feet to a point about five hundred feet East from Highway Number one hundred and seventeen; thence to and with the center of the ditch on the South side of Hooks River Road, and continuing beyond the end of the ditch, North sixty-two degrees and fifty-two minutes West two thousand two hundred and sixty-eight feet to a point in the Western boundary of the Atlantic Coastline Railroad right of way; thence with the Western boundary of said right of way South forty-three degrees and forty-six minutes West four thousand seven hundred and sixty-five feet to a point in said right of way; thence continuing with said boundary of said right of way as it curves to a point South twenty-eight degrees and forty-two minutes West one thousand three hundred and ninety and nine tenths feet, where the boundary of said right of way intersects the Northern boundary of Holly Street; thence with the Northern boundary of Holly Street, North sixty-three degrees and thirteen minutes West nine hundred and seventy-six and six tenths feet to the point in the Northern boundary of said street where it intersects the Western boundary of Whitfield Street extended; thence with the Western boundary of Whitfield Street extended South twenty-three degrees and two minutes West three thousand two hundred and two and four tenths feet to the point of beginning, containing three thousand and ten acres, more or less.

Election to be called as to question of extension.

SEC. 2. The Wayne County Board of Elections shall call an election to be held not later than December first, one thousand nine hundred and forty-three, to determine whether or not such territory shall be annexed to said city.

Contents of call for election.

SEC. 3. The call for said election shall: (a) describe the territory proposed to be annexed to the city; (b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said city and of the territory to be annexed, voting together; (c) provide for a new

or special registration of voters in the territory proposed to be annexed for said election; (d) designate the precincts and voting places for such election; (e) name the registrars and the judges of election; (f) make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the result. Said call shall be published in one or more newspapers of said city once a week for four weeks prior to said election.

SEC. 4. That at such election those voters who favor extending the city limits as herein provided shall vote ballots on which shall be written or printed the words "For Extension;" and those opposed shall vote ballots on which shall be written or printed the words "Against Extension." If at such election a majority of the votes cast shall be "For Extension," then from and after the first day of January, one thousand nine hundred and forty-four, the territory and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said city, and shall be afforded the same privileges, benefits and facilities as are afforded other comparable parts of the said city now within the city limits.

Form of ballots.

Date extension becomes effective, if approved by voters.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 450

## CHAPTER 292

AN ACT TO PROVIDE COMPENSATION FOR THE CLERK OF THE SUPERIOR COURT OF WASHINGTON COUNTY FOR HIS SERVICES AS JUDGE OF JUVENILE COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. In addition to all other compensation now paid to the Clerk of the Superior Court of Washington County, the clerk shall be paid twenty-five dollars (\$25.00) a month, out of the general fund of the county, as compensation for his services as judge of the juvenile court.

Compensation of C. S. C. of Washington County for services as judge of juvenile court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 26th day of February, 1943.

## H. B. 454

## CHAPTER 293

AN ACT TO PROVIDE A SCHEDULE OF DISCOUNTS AND PENALTIES ON POLL AND PROPERTY TAXES FOR THE TOWNS OF LOUISBURG, BUNN AND YOUNGSVILLE IN FRANKLIN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sec. 1403, Ch. 310,  
Public Laws,  
1939, amended.

SECTION 1. In lieu of the schedule of penalties and discounts provided by Section one thousand four hundred and three of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, the penalties and discounts on poll and property taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville, in Franklin County, North Carolina, shall be as provided in this Act.

Due date of taxes levied by Towns of Louisburg, Bunn and Youngsville in Franklin County.

SEC. 2. All taxes assessed or levied under Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, by the Towns of Louisburg, Bunn and Youngsville, shall be due and payable on the first Monday of October of the year in which they are assessed or levied.

Discounts, where taxes are paid in cash.

SEC. 3. If such taxes are actually paid in cash the taxpayer shall be entitled to the following discounts:

Two per cent if paid on or before July 1, or during August, September and October.

(a) If taxes are paid on or before July first of the year in which they become due and payable, or at any time during the months of August, September and October of the year in which they become due and payable, there shall be deducted a discount of two per cent of the amount of such taxes.

One per cent during November.

(b) If such taxes are paid at any time during the month of November of the year in which they become due and payable, there shall be deducted a discount of one per cent of the amount of such taxes.

From December to and including February 1, taxes to be paid at par.

SEC. 4. After the thirtieth day of November and on or before the first day of February next after they become due and payable, taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville shall be paid at par or face value.

Penalties for taxes paid after February 1.

SEC. 5. There shall be added to taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville which are not paid until after February first, next after they become due and payable, a penalty of one per cent of the amount of such taxes for each month or fraction of month after said date of February first in which such taxes remain unpaid until the amount of such penalties shall aggregate six per cent. Thereafter, in addition to the penalties stated above, a penalty of one half of one per cent of the principal amount of such taxes shall be added each month or fraction of month until such taxes are paid, which shall continue to accrue on taxes not included in a

One per cent per month up to six per cent.

One-half per cent per month thereafter.

certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

SEC. 6. In lieu of the interest rate provided by Section one thousand seven hundred and sixteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, tax sale certificates issued to purchasers of tax liens for poll and property taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville shall bear interest from the date of such certificates at the rate of six per cent per annum on so much of the purchase price of such tax sales certificates as represents the amount of taxes, penalties to the date of sale, and the cost of advertising and sale.

Sec. 1716, Ch. 310, Public Laws, 1939, amended.

Interest rate on tax sales certificates.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 455

## CHAPTER 294

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-ONE OF THE PUBLIC LOCAL-LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF UNION COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter four hundred and forty-one of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the figures "one thousand two hundred dollars (\$1,200.00)" in line six of Section two of said Act and inserting in lieu thereof, the figures "one thousand five hundred dollars (\$1,500.00)" so as to provide that the salary of the Deputy Register of Deeds for Union County shall be one thousand five hundred dollars (\$1,500.00) per year.

Sec. 2, Ch. 441, Public-Local Laws, 1937, amended.

Salary of Deputy Register of Deeds for Union County.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 26th day of February, 1943.

H. B. 456

## CHAPTER 295

## AN ACT TO FIX THE COMPENSATION FOR THE SEVERAL COTTON WEIGHERS IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

Board of County Commissioners of Union County to fix compensation of public cotton weighers.

SECTION 1. That on the first Monday in July, one thousand nine hundred and forty-three, and annually thereafter, the Board of County Commissioners of Union County shall fix the compensation to be charged and received by the several public cotton weighers, whether elected or appointed, in Union County, one half of the price per bale for the weighing of such cotton to be paid by the seller and one half by the purchaser. Such fees per bale when so fixed by the board of commissioners shall be in lieu of all other compensation paid to any such cotton weigher for weighing cotton for the public in Union County.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 26th day of February, 1943.

H. B. 459

## CHAPTER 296

## AN ACT RELATING TO THE SALARY OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Board of County Commissioners of Lenoir County fixed.

SECTION 1. The Chairman and each member of the Board of County Commissioners of Lenoir County shall be paid the sum of twenty-five dollars (\$25.00) per month, and mileage as allowed by law.

Compensation of Chairman of Board for extra services not affected.

SEC. 2. That this Act shall in no way affect or diminish the compensation now allowed, or as may hereafter be allowed, the Chairman of said Board of County Commissioners for extra services performed by him.

Ch. 374, Public-Local Laws, 1919, repealed.

Ch. 298, Public-Local Laws, 1939, repealed.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws, and in particular Chapter three hundred and seventy-four of the Public-Local Laws of one thousand nine hundred and nineteen, and Chapter two hundred and ninety-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine, in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 460

## CHAPTER 297

## AN ACT TO AMEND THE CHARTER OF THE CITY OF KINSTON RELATING TO THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF SAID CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine of Chapter one hundred and nine of the Private Laws of one thousand nine hundred and nineteen be, and the same is hereby, amended by striking out the first four lines of Section nine reading as follows: "That the salary of the mayor shall be fixed by the board of aldermen, the amount not to exceed one thousand dollars (\$1,000.00) per annum, and that the members of the board of aldermen shall receive no salary or compensation for their services," and insert in lieu thereof the following: "That the salary of the mayor shall be fixed by the board of aldermen, the amount not to exceed one thousand and five hundred dollars (\$1,500.00) per annum, payable monthly at the end of each month."

Sec. 9, Ch. 109,  
Private Laws,  
1919, amended.

Salary of Mayor  
of City of Kinston  
to be fixed by  
Board of Alder-  
men not to ex-  
ceed \$1,500.00.

SEC. 2. That Section three of Chapter seventy-four of the Private Laws of one thousand nine hundred and twenty-one be, and it is hereby, amended by striking out the last sentence of said section reading as follows: "Each alderman shall receive not to exceed two hundred dollars (\$200.00) per year for service as alderman and departmental commissioner," and inserting in lieu thereof the following: "Each alderman shall receive not to exceed four hundred dollars (\$400.00) per year for service as alderman and departmental commissioner, to be payable one hundred dollars (\$100.00) at the end of each quarter year."

Sec. 3, Ch. 74,  
Private Laws,  
1921, amended.

Compensation  
of Aldermen.

SEC. 3. That this Act shall become effective following the next general city election in May, one thousand nine hundred and forty-three, and shall not apply to the term of office of the present Mayor and Board of Aldermen of the City of Kinston.

Effective date.

Act not applicable  
to present Mayor  
and Board of  
Aldermen.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting  
laws repealed.

Ratified this the 26th day of February, 1943.

H. B. 467

## CHAPTER 298

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FORTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATING TO THE DEPUTY SHERIFFS OF WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 541,  
Public-Local  
Laws, 1933,  
amended.

SECTION 1. Section three of Chapter five hundred and forty-one of the Public-Local Laws of one thousand nine hundred and thirty-three is hereby amended by adding the following at the end of Section three thereof:

Deputy Sheriff  
of Washington  
County to be  
appointed.  
Compensation.

“A minimum of one deputy sheriff shall be appointed under the provisions of this section and said deputy shall receive a salary of seventy-five dollars (\$75.00) a month, in addition to the fees of his office.”

Conflicting  
laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Ratified this the 26th day of February, 1943.

H. B. 496

## CHAPTER 299

AN ACT TO FIX THE COMPENSATION OF THE COUNTY SURVEYOR OF SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation  
of County Sur-  
veyor of Surry  
County.

SECTION 1. That the County Surveyor of Surry County shall receive as compensation for his services for each day engaged in surveying the sum of ten dollars (\$10.00) per day, and in addition thereto, mileage at the rate of five (5) cents per mile from his place of residence to the place of survey and return to his residence.

Application  
of Act.

SEC. 2. That this Act shall apply only to Surry County, North Carolina.

Conflicting  
laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 519

## CHAPTER 300

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE CIVIL SERVICE COMMISSION FOR THE POLICE DEPARTMENT OF THE CITY OF FAYETTEVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter six hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and it is hereby, amended in the following particulars:

Ch. 609, Public-Local Laws, 1939, amended.

(a) By adding at the end of Section one of said chapter the following sentence: "No member of said commission shall directly or indirectly become surety on any bail bond, for a fee or valuable consideration, in any criminal action originating from the police force or any member thereof of the City of Fayetteville."

Members of Civil Service Commission for Police Department of City of Fayetteville prohibited from becoming surety for fee on certain bonds.

(b) By inserting after Section one thereof another section, to be numbered one and one half, and reading as follows:

"In the name of the Civil Service Commission of the City of Fayetteville, it may sue and be sued in all matters and things relating to or in any way connected with this Act, as amended."

Commission may sue and be sued.

(c) By changing the age limit for appointment to the police department as prescribed in the eighth section, from "thirty-five years" to "forty-five years."

Age limit for appointment to police department raised to 45.

(d) By changing the word "five" in the sixth line of the tenth section to the word "two," so that the commission shall certify two instead of five eligibles in case of a vacancy.

Number of eligibles to be certified for vacancy changed from five to two.

(e) By adding to Section twelve, immediately preceding the last sentence therein, the following: "That no promotions or demotions in rank of any member of the public department and no reorganization of said police department shall be made by the board of aldermen, or other governing board of said city, without the consent and approval of the said commission."

Approval of Commission required for promotions or demotions, or for reorganization of police department.

(f) By adding to said Act, between the end of Section twelve and the beginning of Section thirteen, another section to be numbered twelve and one half, and reading as follows:

"That the prevailing wage scale in the Fayetteville Police Department in effect on the date of the ratification of this amendment shall constitute the basic pay of the police officers of the various ranks, and such compensation shall neither be increased nor decreased without the consent and approval of the said Civil Service Commission."

Compensation of police officers cannot be increased or decreased without approval of Commission.

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in force from and after June first, one thousand nine hundred and forty-three.

Ratified this the 26th day of February, 1943.

## H. B. 100

## CHAPTER 301

AN ACT TO AMEND SECTION FIVE HUNDRED AND NINETY-THREE AND SECTION FIVE HUNDRED AND NINETY-SEVEN (b), OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO REPEAL SECTION FIVE HUNDRED AND NINETY-SEVEN (c), OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, SO AS TO PERMIT THE CLERK OF THE SUPERIOR COURT TO ENTER JUDGMENTS ON ANY DAY IN THE WEEK EXCEPT SUNDAY.

*The General Assembly of North Carolina do enact:*

C. S. 593, amended.

SECTION 1. That Section five hundred and ninety-three of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen as amended by Chapter ninety-two of the Public Laws of the Extra Session of one thousand nine hundred and twenty-one, Chapters thirty-five and forty-nine of the Public Laws of one thousand nine hundred and twenty-nine, and Chapter one hundred and seven of the Public Laws of one thousand nine hundred and thirty-nine be further amended by adding a period after the word "judgments" in Subdivision (b), and by striking out the remainder of said subdivision, which reads as follows: "judgments coming within the meaning of (a) and (b) may be entered at any time."

C. S. 597(b), vol. 3, amended.

SEC. 2. That Section five hundred and ninety-seven (b) of Volume three of the Consolidated Statutes of North Carolina be amended so as to read as follows:

Judgments and orders may be rendered by C. S. C. on any day of week except Sundays.

Priority among judgments.

Sales may be confirmed on any day of week except Sundays.

"597 (b). Time for rendering judgments and orders. Judgments and orders may be rendered by the clerk on any day of the week except Sundays. All judgments rendered by the clerk in any county on the same day and docketed on that day, or within ten days thereafter, are held and deemed to have been rendered and docketed on the same day for the purpose only of establishing equal priority as among such judgments. In a special proceeding, the clerk may enter any judgment or order, either interlocutory or final, and confirm any sale on any day of the week except Sundays."

SEC. 3. That Section five hundred and ninety-seven (c) of Volume three of the Consolidated Statutes of North Carolina, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

C. S. 597 (c),  
vol. 3, repealed.

SEC. 4. Judgments or orders not rendered on Mondays ratified. In any case where, prior to the ratification of this Act, any judgment or order, required to be rendered or signed on Monday, has been rendered or signed by any clerk of the Superior Court on any day other than Monday, such judgment or order is hereby declared to be valid and of the same force and effect as if the day on which it was signed or rendered had been a Monday; and any conveyance executed by any commissioner or other person authorized to make a conveyance in any action or special proceeding where the appointment of the commissioner or other person, the order of sale, the order of resale, or the confirmation of sale was made on a day other than Monday, is hereby declared to be valid and to have the same force and effect as if the day on which such judgment or order was rendered had been a Monday.

Judgments heretofore required to be entered on Monday but entered on day other than Monday validated.

Conveyances made pursuant to such judgments or orders valid.

SEC. 4½. That the second sentence of Section six hundred and thirteen of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be amended to read as follows: "The entry must contain the names of the parties, and the relief granted, date of judgment, and the date, hour and minute of docketing; and the clerk shall keep a cross index of the whole, with the dates and numbers thereof."

C. S. 613,  
amended.

Matters required to be set forth on judgment docket as to judgment affecting real estate or requiring the payment of money.

SEC. 5. That this Act shall not apply to pending litigation.

Pending litigation not affected.

SEC. 6. Sections one, two, three, four and five of this Act shall be in full force and effect from and after the ratification of this Act. Section four and one half of this Act shall be effective on and after April first, one thousand nine hundred and forty-three, and the Secretary of State is directed to mail to every clerk of the Superior Court a copy of this Act prior to that time.

Effective date.

Secretary of State to mail copy of this Act to every C. S. C.

Ratified this the 26th day of February, 1943.

H. B. 196

## CHAPTER 302

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO SELL COUNTY PROPERTY ONLY AT PUBLIC AUCTION AND AFTER GIVING NOTICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Except real property which the county has acquired as a result of tax foreclosures, no real property belonging to the County of Brunswick shall be sold until a notice of

Certain real property of County of Brunswick to be sold only at public auction and after notice.

sale has been posted at the courthouse door in the county for thirty days immediately preceding the sale, and also published once a week for four successive weeks in some newspaper published in the county: Provided, if no newspaper is published in the county, the notice of sale shall be posted at the courthouse door and three other public places in the county for thirty days immediately preceding the sale. All such real property shall be sold only at public auction.

Report of sale to be filed in office of C. S. C.

A report of such sale shall be filed in the office of the clerk of the Superior Court within five days from the date thereof: Provided, the failure to file such report shall not invalidate said sale. If in ten days from the date of the sale the sale price is increased ten per cent, where the price does not exceed five hundred dollars (\$500.00), and five per cent where the price exceeds five hundred dollars (\$500.00), and the same is paid to the clerk of the Superior Court, the commissioners shall reopen the sale of said property and advertise the same in the same manner as in the first instance, except that only fifteen days notice shall be required for the resale. Resales may be had as often as the bid may be raised in compliance with this section.

Resales in cases of raised bid.

Application of Act.

SEC. 2. That this Act shall apply only to Brunswick County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 287

## CHAPTER 303

### AN ACT TO AUTHORIZE THE TOWN OF BESSEMER CITY IN GASTON COUNTY TO SELL AT PRIVATE SALE PROPERTY PURCHASED BY IT AT A TAX FORECLOSURE SALE.

*The General Assembly of North Carolina do enact:*

Town of Bessemer City permitted to sell at private sale property purchased at tax foreclosure sales.

SECTION 1. That the Town of Bessemer City, in Gaston County, in the discretion of its governing body, is hereby authorized and empowered to sell at private sale property purchased by it at tax foreclosure sales, including property already purchased and conveyed to the town, and such as may be purchased by it in the future, at such price as the governing body may approve.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 302

CHAPTER 304

AN ACT TO FIX THE SALARIES FOR THE DEPUTY SHERIFFS OF DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five, Chapter five hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and fifteen, and all amendments thereto, be amended by striking out the words: "and shall be allowed the sum of one thousand dollars annually to pay such clerks, assistants and deputies as he may see fit to employ or appoint, whatsoever.", and inserting in lieu thereof the following:

Sec. 5, Ch. 596,  
Public-Local  
Laws, 1915,  
amended.

"That other than his chief deputy and jailor, the Sheriff of Davidson County shall be limited to five in number of regular deputies who shall be paid a salary not to exceed one hundred and fifty dollars a month each; and shall receive no other compensation whatsoever, except the county commissioners may allow any necessary expenses incident to their duties."

Number of Depu-  
ties allowed  
Sheriff of David-  
son County.

Compensation  
of Deputies.

SEC. 2. That the sheriff and all deputies appointed by him shall collect and receive and account for all the fees, commissions (together with expenses incurred and received out of taxpaid liquor sales to the Alcoholic Beverage Control Board of North Carolina) to which they are entitled by virtue of their respective offices and pay the same on the first of every calendar month into the general fund of Davidson County.

Fees collected  
by Sheriff to be  
paid into county  
general fund.

SEC. 3. That the sheriff or any of his deputies who shall wilfully fail or refuse to collect any fee, commission, or other emolument of any kind belonging to his office shall be guilty of a misdemeanor.

Wilful failure to  
collect fees made  
misdemeanor.

SEC. 4. That the sheriff and each and all of said deputies shall open and keep a set of account books in which shall be promptly, correctly, truthfully and accurately entered an itemized account of all moneys collected or received by said sheriff's office in fees, commissions, et cetera, which books at all times shall be open to the inspection of the public upon demand. Said books shall be securely kept so as to be protected against fire, theft, loss or accident.

Books of account  
to be kept by  
Sheriff.

SEC. 5. That one or more of said deputies above referred to when designated by the sheriff, shall devote his time to assisting the sheriff in the collection of personal property taxes, real property taxes and license taxes due the county and to that end

One Deputy to  
assist Sheriff in  
collection of  
taxes.

Such Deputy to give bond. shall be empowered and authorized to serve notice on, levy, garnishee and collect unpaid taxes due the County of Davidson, all under the supervision and direction of the Sheriff of Davidson County. The deputy thus designated shall furnish bond in such amount as the board of county commissioners may determine.

Conflicting laws repealed. SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date. SEC. 7. That this Act shall be in full force and effect from and after the first day of March, one thousand nine hundred and forty-three.

Ratified this the 26th day of February, 1943.

### H. B. 328

### CHAPTER 305

AN ACT TO VALIDATE ALL SALES FOR TAXES MADE BY THE SHERIFF OF CHATHAM COUNTY FOR THE YEARS ONE THOUSAND NINE HUNDRED AND FORTY AND ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

Certain tax sales in Chatham County validated. SECTION 1. That all sales of property for failure to pay taxes, held, conducted or made by the Tax Collector of Chatham County, or any municipality or taxing district therein, during the years of one thousand nine hundred and forty and one thousand nine hundred and forty-one, or any dates subsequent to or other than the date prescribed by law, and all certificates of sales executed and issued pursuant to and in accordance with such sales be, and the same are hereby approved, confirmed and validated, and shall have the same force and legal effect as if said sales had been held and conducted on the date prescribed by law.

Conflicting laws repealed. SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

### H. B. 337

### CHAPTER 306

AN ACT RELATING TO THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF JONES COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 318, Public-Local Laws, 1941, repealed. C. S. C. of Jones County placed on fee basis. SECTION 1. Section one of Chapter three hundred and eighteen of the Public-Local Laws of one thousand nine hundred and forty-one is hereby repealed, and the said clerk is hereby placed

on a fee basis. Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and thirty-seven is hereby reenacted and incorporated herein. The Clerk of the Superior Court of Jones County shall receive all of the fees enumerated in said Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and thirty-seven in lieu of salary, and as compensation for his services as clerk of said court, and in addition thereto, shall receive not less than six hundred dollars (\$600.00) per year for deputy or clerical services.

Ch. 472, Public-Local Laws, 1937, reenacted.

Compensation of C. S. C. of Jones County.

Allowances for deputy or clerical services.

SEC. 2. Section eight of Chapter three hundred and eighteen of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by striking out the following words: "clerk of the Superior Court."

Sec. 8, Ch. 318, Public-Local Laws, 1941, amended.

SEC. 3. The actions of the board of county commissioners in permitting, and the Clerk of the Superior Court of Jones County in receiving and retaining as his compensation, the fees set out in Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and thirty-seven, in lieu of receiving an annual salary as set out in Section one of the Public-Local Laws of one thousand nine hundred and forty-one are hereby validated, ratified and confirmed.

Payment of certain fees to C. S. C. of Jones County in lieu of annual salary validated.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 358

CHAPTER 307

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, THE SAME BEING THE CHARTER OF THE TOWN OF JACKSONVILLE, TO ALLOW COMMISSIONERS OF SAID TOWN TO LEVY A TAX FOR THE OPERATION AND MAINTENANCE OF A CEMETERY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and eighty of the Private Laws of one thousand eight hundred and ninety-one be amended by adding a new section to be known as Section thirty-one (a), as follows:

Ch. 280, Private Laws, 1891, amended.

"SEC. 31 (a). The board of commissioners of said town may, within their discretion, levy a tax not in excess of one cent on each one hundred dollars (\$100.00) valuation of property,

Board of Commissioners of Town of Jacksonville permitted to levy tax to operate cemeteries.

for the purpose of establishing, maintaining, operating or extending cemeteries in said town."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 360

### CHAPTER 308

AN ACT TO DIVIDE THE TOWN OF JACKSONVILLE INTO FOUR POLITICAL DIVISIONS OR WARDS AND TO PROVIDE FOR EACH TO BE REPRESENTED ON THE CITY COUNCIL BY A COMMISSIONER OR ALDERMAN AND TO FIX COMPENSATION FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS OR ALDERMAN AND TO CHANGE THE NAMES OF CERTAIN STREETS IN SAID TOWN.

*The General Assembly of North Carolina do enact:*

Town of Jacksonville divided into four wards.

SECTION 1. The Town of Jacksonville, in the County of Onslow, shall be divided into four political divisions or wards, denominated first ward, second ward, third ward and fourth ward, respectively, said wards shall be severally bounded as follows:

#### FIRST WARD

Limits of First Ward.

The first ward shall include all of that part of the town within the boundaries of said Town of Jacksonville which lies within the following defined lines, namely: Beginning at a point in the center of the Atlantic Coast Line Railroad and the center of North Carolina Highway Number twenty-four which is the same as New Bridge Street and running thence Northeastwardly with said railroad to Chaney Creek; thence up and with the run of Chaney Creek and Burnt House Branch Eastwardly and Southwardly to North Carolina Highway Number twenty-four near the cemetery; thence with said highway Westwardly to the beginning.

#### SECOND WARD

Limits of Second Ward.

Beginning at the center of the Atlantic Coast Line Railroad in the center of North Carolina Highway Number twenty-four which is the same as New Bridge Street at the crossing in the Town of Jacksonville and running thence with said Atlantic Coast Line Railroad Southwestwardly to New River; thence down and with New River to the Southward boundary of the town limits of the Town of Jacksonville; thence following

Southward and Eastward boundary of the town limits of the Town of Jacksonville back to North Carolina Highway Number twenty-four; thence with North Carolina Highway Number twenty-four Westwardly to the beginning.

#### THIRD WARD

Beginning at the intersection of the Atlantic Coast Line Railroad with North Carolina Highway Number twenty-four which is the same as New Bridge Street in the Town of Jacksonville and running Westwardly with New Bridge Street to New River; thence down and with New River to the Atlantic Coast Line tressel; thence with the Atlantic Coast Line Railroad Northeastwardly to the beginning.

Limits of Third Ward.

#### FOURTH WARD

Beginning at the intersection of Atlantic Coast Line Railroad with North Carolina Highway Number twenty-four which is the same as New Bridge Street in the Town of Jacksonville and running Northeastwardly with said railroad to a point one thousand and eighty-two feet North fifty-three degrees eight minutes East of the bridge over Chaney Creek; thence North thirty-six degrees forty-three minutes West two thousand seven hundred and sixty-one feet to a point on Mill Creek which is the Northeast corner of the development known as Overbrook; thence South seventeen degrees twenty-two minutes West two thousand three hundred and ninety-five feet to Chaney Creek; thence down and with the run of Chaney Creek to New River; thence down and with New River to New Bridge Street; thence with New Bridge Street Eastwardly to the Atlantic Coast Line Railroad, the beginning.

Limits of Fourth Ward.

SEC. 2. Beginning with the next municipal election, four Aldermen shall be elected in the Town of Jacksonville, one from each ward. The alderman to be elected from each ward must have been a resident of said ward for at least four months prior to said election, and shall be voted on only by the qualified voters of said ward who have resided in said ward for a period of four months. Each alderman shall be elected for a term of two years. Any vacancy arising from death, resignation, removal from said ward or other cause, shall be filled by appointment, by the board of aldermen for the unexpired term, of a qualified person residing in the ward in which the vacancy arises.

One alderman to be elected from each ward.

Term.  
Vacancies.

SEC. 3. The mayor shall be elected by the voters at large in the Town of Jacksonville. The present mayor and board of aldermen shall hold office until their present terms expire. At the next municipal election held in the Town of Jacksonville and biennially thereafter, the mayor and aldermen shall be elected in accordance with the provisions of this Act.

Mayor elected at large.

Term of incumbents.

SEC. 4. Separate ballots for the aldermen to be elected from the various wards shall be provided, and a voter shall be fur-

Ballots.

nished only the ballot as to the alderman to be elected from the ward in which such voter resides.

Compensation of Mayor and Aldermen.

SEC. 5. The Aldermen for the Town of Jacksonville shall receive five dollars for each meeting which has been regularly called and regularly held, attended by said aldermen, and the mayor shall receive such compensation as in the discretion of the board of aldermen may be adequate for the time and work devoted to the town, not to exceed, however, the sum of two hundred dollars per month.

Certain street names changed.

SEC. 6. That the name of the street leading Southwardly to North Carolina Highway Number twenty-four from the intersection of Warn Street and Johnson Boulevard be changed from Johnson Street to Huerth Street; that the street leading from College Street Southwardly by the Presbyterian Church shall be changed from Hinton Street to Hickory Street; and the street leading from Court Street to New River, and which is the first street Northward of Tallman, be changed from Chaney Avenue to Ward-Darst Plaza.

Conflicting laws repealed.

SEC. 7. All laws and clauses of laws in conflict with this Act, to such extent as they are in conflict, and only to such extent, are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 382

## CHAPTER 309

### AN ACT TO VALIDATE TAX LEVIES AND TAX SALES OF BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

Taxes levied by Board of County Commissioners of Bertie County for certain years validated.

SECTION 1. That all acts and things done by the Board of County Commissioners of Bertie County in levying taxes for the years one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, one thousand nine hundred and forty-one, and one thousand nine hundred and forty-two, be, and the same are hereby, in all respects validated.

Tax sales for certain taxes validated.

SEC. 2. That all acts and things done by the Board of County Commissioners of Bertie County and the Tax Collector of Bertie County relating to the sales of lands of the delinquent taxpayers for taxes due said county for the years one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one

thousand nine hundred and forty, and one thousand nine hundred and forty-one, be, and the same are hereby, in all respects validated.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 384

CHAPTER 310

AN ACT TO SEPARATE THE OFFICES OF THE SHERIFF AND JAILER FOR BERTIE COUNTY.

WHEREAS, for a number of years Bertie County has operated a county farm and county jail, located upon the farm, under the supervision of a manager for the county farm who also serves as jailer and who is appointed by the Board of County Commissioners of Bertie County; and

Preamble: Manager of county farm, appointed by Board of County Commissioners of Bertie County, also serves as jailer.

WHEREAS, the Sheriff of Bertie County does not appoint the jailer, and the sheriff has nothing to do with the management, supervision and control of the county farm and the county jail: Now, therefore,

Sheriff does not appoint jailer.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the elective office of Sheriff of Bertie County and the appointive office of manager of the county farm and the jailer be, and they are hereby, declared to be separate offices; and the County Commissioners of Bertie County are hereby authorized and empowered to appoint a manager for the Bertie County Farm and a jailer, or, in their discretion, to appoint one person as both manager for the Bertie County Farm and jailer.

Office of sheriff and manager of county farm and jailer separated.

County Commissioners authorized to appoint manager for county farm and a jailer.

Positions may be combined.

SEC. 2. That the sheriff and sheriff's bond shall not be liable for the acts or omissions of the manager of the county farm or the jailer.

Sheriff's bond not liable for acts of manager of county farm or jailer.

SEC. 3. That the Board of County Commissioners of Bertie County shall require the Manager of the County Farm and the Jailer of Bertie County to give a surety company bond in the penal sum of two thousand dollars (\$2,000.00) for the faithful performance of his duties.

Manager of county farm and jailer to give bond.

SEC. 4. That in the event that more than one person shall be appointed by the County Commissioners of Bertie County as manager of the county farm and jailer, each person so appointed to said offices shall be required by the board of county commissioners to give a surety company bond in the penal

If offices held by two persons, each to give bond.

sum of two thousand dollars (\$2,000.00) for the faithful performance of his duties.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 392

## CHAPTER 311

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FIFTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO TERM OF OFFICE OF THE COUNTY ACCOUNTANT OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 556, Public-Local Laws, 1937, rewritten.

SECTION 1. That Section one of Chapter five hundred and fifty-six of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby repealed, and the following new section inserted in lieu thereof:

Term of office of County Accountant of Franklin County.

"SEC. 1. That at the next regular election to be held for members of the General Assembly, there shall be elected a County Accountant for Franklin County who shall be chosen for a term of four years, or until his successor has been elected and qualified."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 401

## CHAPTER 312

AN ACT TO PROVIDE FOR A SPECIAL SCHOOL TAX ELECTION IN THE VICTORY SCHOOL DISTRICT IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Method of use of certain supplementary tax funds of Victory School District in Gaston County provided.

SECTION 1. If and when the State shall assume the expense of providing for and supporting the ninth month of the school terms in the Victory School District in Gaston County, the governing board of the district shall be authorized to use the funds raised by virtue of any supplementary tax, heretofore

voted by said district to provide a ninth month or for other supplemental purposes, for any proper purpose in order to supplement teachers' salaries or otherwise to operate a school or schools of a higher standard than that provided by state support.

SEC. 2. Funds shall not be used as provided in Section one of this Act, and taxes for supplemental school purposes shall not be continued to be levied in said Victory School District unless the same shall be approved at an election held in the district under the provisions of Sections fourteen and fourteen and one half of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine.

Approval by voters of district required.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 419

CHAPTER 313

AN ACT RELATING TO THE FIXING OF FEES OF THE SHERIFF, CONSTABLES AND JUSTICES OF THE PEACE OF JONES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The sheriff, constables and other process officers of Jones County are hereby authorized and empowered to collect for their own use and benefit the following fees:

Fees of process officers of Jones County.

Executing civil summons, writ or notice .....	\$1.00
Arrest in civil action, for each defendant .....	2.00
Arrest of persons indicted, each .....	2.00
Imprisonment of each person in a civil or criminal action and release from prison .....	1.00
Executing a subpoena on a witness .....	.50
Summons in claim and delivery .....	\$1.00
Service of claim and delivery, as to each party .....	.50
Taking property claims, additional .....	1.00
	<u>2.50</u>

With actual cost of keeping said property until discharged by law, also same fees for attachments.

Service of execution upon each defendant together with actual expenses in connection with seizing and holding property for sale under execution .....	\$1.00
Advertising a sale of property, under execution at each public place required .....	.30

Executing a deed for land, or interest in land, sold under execution, and to be paid by purchaser .....	\$ 2.00
Service of writ of ejectment .....	2.00
Service of capias .....	1.50
Service of injunction, or order to show cause upon each person .....	1.00
Service of every other writ or paper whatsoever not otherwise herein fixed as to each party upon whom said service is made .....	1.00

Fees of Justices of the Peace of Jones County.

SEC. 2. The duly qualified and acting justices of the peace of Jones County are authorized and empowered to include in their bills of cost for their use and benefit the following fees:

Summons, one defendant .....	\$ .50
Additional defendants .....	.25
Affidavit .....	.50
Any undertaking .....	.50
Order to seize property .....	.50
Subpoena .....	.25
Trial and judgment .....	1.50
Transcript of judgment .....	.25
Execution of judgment .....	.50
Return of appeal .....	.50
Docketing appeal .....	.50
Docketing judgment .....	.50

CRIMINAL CASES:

Affidavit .....	.50
Warrant .....	.50
Subpoena .....	.25
Commitment, each defendant .....	.50
Recognizance of witness .....	.25
Trial and judgment, each defendant .....	1.50
Capias and order .....	.50
Bond, each defendant .....	.50
Itemized bill of cost .....	.25
Removal .....	.50

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 446

## CHAPTER 314

AN ACT TO REPEAL CHAPTER SIXTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND TO AMEND CHAPTER FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE DUTIES OF PUBLIC OFFICERS OF NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter sixty-three of the Public-Local Laws of one thousand nine hundred and forty-one entitled "An Act to amend Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven relating to the duties of public officers of Northampton County" be, and the same is hereby repealed.

Ch. 63, Public-Local Laws, 1941, repealed.

SEC. 2. That Section one of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the words, "nine hundred dollars per annum" and inserting in lieu thereof the words "not less than nine hundred dollars nor more than twelve hundred dollars per annum in the discretion of the Board of Commissioners of Northampton County."

Sec. 1, Ch. 5, Public-Local Laws, 1937, amended.

Salary of clerk or assistant to C. S. C. of Northampton County.

SEC. 3. That Section two of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the words "one clerk or assistant at a salary of nine hundred dollars per annum" and inserting in lieu thereof the words, "two clerks or assistants at salaries, to be fixed by the Board of Commissioners of Northampton County in their discretion, of not less than nine hundred dollars nor more than twelve hundred dollars each per annum."

Sec. 2, Ch. 5, Public-Local Laws, 1937, amended.

Salary of clerks or assistants to Register of Deeds.

SEC. 4. That Section eight of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by adding after the period at the end of said Section eight the following: "The auditor shall be allowed one clerk or assistant at a salary, to be fixed by the Board of Commissioners of Northampton County in their discretion, of not less than nine hundred dollars nor more than twelve hundred dollars per annum, and the Board of Commissioners of Northampton County may, in their discretion, also allow the auditor an additional clerk or assistant at a salary to be fixed by said board in their discretion, of not less than nine hundred dollars nor more than twelve hundred dollars per annum."

Sec. 8, Ch. 5, Public-Local Laws, 1937, amended.

Auditor allowed clerk or assistant.

Salary of clerk or assistant to auditor.

Board of Commissioners may allow auditor an additional clerk or assistant.

SEC. 5. That Section ten of Chapter five of the Public-Local Laws of one thousand nine hundred and forty-one be amended

Sec. 10, Ch. 5, Public-Local Laws, 1941, amended.

by adding in line three after the word "officers" the following "and tax collectors."

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. B. 451

CHAPTER 315

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE INCORPORATING THE TOWN OF RAEFORD, TO PROVIDE FOR VACANCY IN OFFICE OF MAYOR, TO CHANGE DATE OF ELECTION, AND TO INCREASE TAX RATE.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 125, Private Laws, 1901, amended.

SECTION 1. Section four of Chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and one is hereby amended to read as follows:

Provision for nomination and election of Mayor and five Commissioners of Town of Raeford.

"SEC. 4. That there shall be held on the first Monday in April, one thousand nine hundred and forty-three, and biennially thereafter, a primary for the nomination of a mayor and five commissioners for the Town of Raeford; that there shall be held on the first Monday in May, one thousand nine hundred and forty-three, and biennially thereafter, an election in said town for a mayor and five commissioners thereof; that such elections shall be held in accordance with the laws and regulations governing other public elections in the State at the time of holding these elections. In the event that a second primary is necessary, it shall be held ten days after the first primary."

Sec. 5, Ch. 125, Private Laws, 1901, amended.

SEC. 2. Section five of Chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and one is hereby amended by striking out the following words in the second sentence:

"That the terms of office of the mayor and commissioners shall begin on the Tuesday following the election in each year," and by substituting in lieu thereof the following:

Time of taking office by mayor and commissioners.

"That the mayor and commissioners shall take office on the first Monday in June subsequent to the election."

Sec. 6, Ch. 125, Private Laws, 1901, rewritten.

SEC. 3. Section six of Chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and one is hereby repealed and the following two sections, Sections six and six (a), enacted in lieu thereof:

"SEC. 6. That the mayor shall preside at all meetings of the commissioners and shall have power to call special meetings of the commissioners when he shall deem the same proper. The mayor shall appoint a mayor pro tempore, subject to the approval of the commissioners, who shall fill the office of mayor during the absence or disability of the mayor, and who shall fill out the unexpired term of the mayor in the event of the death, resignation, or other termination of service of the mayor during his term of office. In the event that the mayor pro tempore is a member of the board of commissioners and, for any reason, becomes mayor for the unexpired term of the duly elected mayor, his office on the board of commissioners shall be filled by appointment of a qualified voter of the town, for the unexpired term, by the board.

Mayor to preside at meetings of Commissioners.

Mayor pro tempore.

"SEC. 6 (a). That the mayor, or mayor pro tempore in the event of absence or disability of the mayor, shall see that the ordinances of the town are enforced, and he shall have the criminal jurisdiction of a justice of the peace within the limits of said town, and, on conviction of any person of a misdemeanor, or violation of any rule, regulation, or town ordinance, shall have power to impose a fine or penalty, not to exceed fifty dollars (\$50.00) or imprisonment for thirty (30) days."

Powers and duties of Mayor.

SEC. 4. Section eight of Chapter one hundred and twenty-five is hereby amended by rewriting the first sentence thereof as follows:

Sec. 8, Ch. 125, amended.

"That the commissioners shall have power to levy and collect taxes upon real and personal property and polls of the town, the poll tax not to exceed one dollar (\$1.00) on each poll taxable under the laws of the State, and the property tax not to exceed one dollar and thirty-three and one-third cents (\$1.33 $\frac{1}{3}$ ) on the one hundred dollars valuation for all purposes, including the general town expenses of all departments and the payment of principal and interest on bonds and retirement thereof, the valuation of all property to be the same as that at which it is assessed by the State and county for their purposes: Provided, that all levies heretofore made are hereby validated."

Commissioners authorized to levy taxes.

Tax rate limited.

Prior levies validated.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

## H. B. 497

## CHAPTER 316

AN ACT TO TAX AND REGULATE PROFESSIONAL  
BONDSMEN IN CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Professional  
bondsmen in Cum-  
berland County  
required to obtain  
certain privilege  
licenses.

SECTION 1. Every person, firm, association or corporation, who shall engage in the business of signing, executing, and becoming surety on appearance bonds in any court in Cumberland County for a fee or compensation, shall apply for and obtain from the County of Cumberland, and each city or town in said county in which such business is engaged in, a license for the privilege of engaging in such business. The amount of said license tax shall be fixed by the Board of County Commissioners of Cumberland County and the governing bodies of the cities and towns therein, and shall not be in excess of the maximum which counties, cities and towns are authorized to levy on professional bondsmen, under the provisions of the Revenue Act of the State of North Carolina, as amended. Said license shall be for a period of one year and shall expire on the thirty-first day of May of each year.

Amounts of such  
license taxes.

SEC. 2. In addition to the privilege license provided for in Section one of this Act, every person, firm, association or corporation, who shall engage in the business of signing, executing and becoming surety on appearance bonds in any court in Cumberland County for a fee or compensation, shall, as a condition precedent to signing, executing, and becoming surety upon any appearance bond, deposit with the Clerk of the Superior Court of Cumberland County not less than one thousand dollars (\$1,000.00) in cash or marketable securities approved by the clerk and shall, at the same time, post an agreement with the Clerk of the Superior Court of Cumberland County that such cash or marketable securities shall, at all times, be available for the purpose of the payment of any bonds signed by such person, firm, association or corporation, which has been declared by the court to be forfeited. If the amount of any such forfeited bond is not paid within ten days from the date of the forfeiture, the Clerk of the Superior Court of Cumberland County is authorized to apply the amount of the forfeiture out of said deposit and the person, firm, association, or corporation, whose deposit is thus reduced, shall immediately, upon notice by the Clerk of the Superior Court of Cumberland County, deposit an additional sum with the Clerk of the Superior Court of Cumberland County in order that the deposit shall always be in at least the sum of one thousand dollars (\$1,000.00), either in cash or marketable securities.

Professional  
bondsmen re-  
quired to deposit  
\$1,000 with C. S.  
C. of Cumberland  
County.

Fund to be  
available to pay  
forfeited bonds  
signed by such  
bondsmen.

Fund to be  
maintained at  
minimum of  
\$1,000.00.

Fee for appear-  
ance bonds in  
Cumberland  
County.

SEC. 3. No person, firm, association, or corporation, who shall execute or become surety upon any appearance bond in any court in Cumberland County, shall charge as a fee therefor,

and for all services in connection therewith, an amount in excess of five per cent (5%) of the amount of said bond, provided that a minimum fee of five dollars (\$5.00) is allowed where the amount of the bond is one hundred dollars (\$100.00) or less.

SEC. 4. No licensed attorney shall become surety on any appearance bond in a criminal action instituted or pending in any court in Cumberland County.

Attorneys prohibited from becoming surety on appearance bond in criminal action.

SEC. 5. Any person, firm, association, or corporation, who shall engage in the business defined in Section one of this Act without securing the privilege license and making the deposit required by this Act, or who violates any of the other provisions of this Act, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Violation made misdemeanor.

SEC. 6. This Act shall not apply to surety or bonding companies regularly licensed by the Insurance Department of the State of North Carolina.

Act not applicable to surety or bonding companies licensed by State Insurance Department.

SEC. 7. That this Act shall apply to Cumberland County only.

Application of Act.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

S. B. 16

CHAPTER 317

AN ACT TO PROVIDE FOR A MORE UNIFORM REPRESENTATION OF THE PEOPLES OF HALIFAX COUNTY ON THE BOARD OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County of Halifax shall be divided into the following five county commissioner districts:

Halifax County divided into 5 Commissioner districts.

(1) District one shall consist of Littleton, Butterwood and Brinkleyville Townships;

District one.

(2) District two shall consist of Roanoke Rapids Township;

District two.

(3) District three shall consist of Weldon and Faucette Townships;

District three.

(4) District four shall consist of Halifax and Enfield Townships;

District four.

District five.

(5) District five shall consist of Connoconara, Scotland Neck, Roseneath, and Palmyra Townships.

Method of election of commissioners from said districts.

SEC. 2. That the qualified electors of Halifax County shall, at the next election for the election of county commissioners, and at each such election thereafter, elect five county commissioners from nominees to be selected as follows:

(1) The qualified electors of District one shall select from their own number one candidate for one seat on the board of county commissioners;

(2) The qualified electors of District two shall select from their own number one candidate for one seat on the board of county commissioners;

(3) The qualified electors of District three shall select from their own number one candidate for one seat on the board of county commissioners:

(4) The qualified electors of District four shall select from their own number one candidate for one seat on the board of county commissioners;

(5) The qualified electors of District five shall select from their own number one candidate for one seat on the board of county commissioners.

Application of Act.

SEC. 3. That this Act shall apply to Halifax County only.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 119

## CHAPTER 318

### AN ACT TO REGULATE THE PAY AND PRESCRIBE THE DUTIES OF THE SHERIFF AND THE DEPUTY SHERIFFS OF GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Appointment of deputy sheriffs in Guilford County.

SECTION 1. No person shall be appointed to act as a deputy sheriff in Guilford County except as provided in this Act.

Sheriff authorized to appoint such deputies as are necessary.

SEC. 2. The Sheriff of Guilford County is authorized and empowered to appoint such deputy sheriffs as he may deem necessary for proper law enforcement in Guilford County. Certain of said deputies shall be designated "full time salaried deputy sheriffs" and shall devote their entire time to the duties of their office; other of said deputies may be designated

Classes of deputies.

as "part time salaried deputy sheriffs" and shall perform such duties as may be assigned to them by the Sheriff of Guilford County. Deputy sheriffs not designated as above shall be known as "unsalaried deputy sheriffs." All deputy sheriffs appointed by the Sheriff of Guilford County shall be under his supervision and control.

Under supervision of Sheriff.

SEC. 3. The salaries of full time salaried deputy sheriffs and of part time salaried deputy sheriffs shall be fixed by the County Commissioners of Guilford County, and paid from the general fund; and compensation deemed suitable by the county commissioners shall be paid to said deputies to cover expenses incurred by them in the performance of their duties. No salary shall be paid to any deputy sheriff except upon recommendation of the Sheriff of Guilford County, nor in any amount in excess of said recommendation.

Salaries of deputies to be fixed by Commissioners.

Salaries to be recommended by Sheriff.

SEC. 4. There shall be paid into the general fund of Guilford County all fees and commissions prescribed by law which are received or collected by the Sheriff of Guilford County or any of his deputies designated as full time salaried deputy sheriffs in the performance of their official duties, and a proper record shall be kept thereof.

Fees received by Sheriff and full time salaried deputies to go into general county fund.

SEC. 5. All deputies, other than those designated as full time salaried deputy sheriffs shall retain for their own use all fees and commissions prescribed by law and collected by them.

Deputies, other than full time salaried deputies, to retain fees.

SEC. 6. Upon the request of the Sheriff of Guilford County, the board of county commissioners is authorized and empowered, to purchase and pay for from the general fund of the County of Guilford supplies and equipment necessary for the proper enforcement of law and for expenses incurred in such law enforcement.

Board of County Commissioners authorized to purchase law enforcement equipment on request of Sheriff.

SEC. 7. The salary of the Sheriff of Guilford County is hereby fixed at the sum of four hundred and twenty-five (\$425.00) dollars per month; and compensation deemed suitable by the county commissioners shall be paid him to cover expenses incurred by him in the performance of his duties.

Salary of Sheriff.

Compensation for expenses.

SEC. 8. This Act shall apply only to the County of Guilford.

Application of Act.

SEC. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 10. This Act shall be in full force and effect from and after the first day of the next calendar month after the same shall have been ratified.

Effective date.

Ratified this the 1st day of March, 1943.

## S. B. 120

## CHAPTER 319

AN ACT TO AMEND SECTION SIXTEEN, SUBSECTION (b) OF CHAPTER ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, EXTRA SESSION, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW.

*The General Assembly of North Carolina do enact:*

Sec. 16, Ch. 1,  
Public Laws,  
Extra Session,  
1936, being the  
Unemployment  
Compensation  
Law, amended.

SECTION 1. That Chapter one, Section sixteen, Subsection (b) of the Public Laws of one thousand nine hundred and thirty-six, Extra Session, be, and the same is hereby amended as follows:

By striking out in lines eight and nine of Subsection (b) all that clause after the word "refuses" in line eight and before the word "to" in line nine, which clause is as follows: "to make any such contributions or other payment, or."

Conflicting  
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 137

## CHAPTER 320

AN ACT TO AUTHORIZE THE ISSUANCE OF NOTES OF THE STATE FOR THE PURPOSE OF PAYING APPROPRIATIONS.

*The General Assembly of North Carolina do enact:*

Tax anticipation  
notes authorized.

SECTION 1. That for the purpose of paying appropriations made for each year of the biennium ending June thirtieth, one thousand nine hundred and forty-five for the various institutions, departments and agencies of the State, the State Treasurer, by and with the consent of the Governor and Council of State, shall have authority to borrow in anticipation of the collection of taxes and revenues for such biennium such sum or sums as may be necessary for such purpose and as may be determined by the Governor and Council of State, and to execute and issue notes of the State for the money so borrowed, and to pledge the credit of the State for the payment thereof. Such notes may be renewed from time to time and money may be borrowed upon new notes from time to time for the payment of any indebtedness evidenced thereby. All such notes and renewal notes shall bear such date or dates and such rate or rates of interest, and shall mature in such amounts and at such time or times as may be determined by the Governor and

Consent of Gov-  
ernor and Council  
of State.

Renewal of  
notes.

Interest note.

Council of State, and shall be executed by the State Treasurer and negotiated and disposed of by him in such manner as may be determined by the Governor and Council of State.

Execution and negotiation.

SEC. 2. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the notes herein authorized.

Pledge of State credit.

SEC. 3. That all of said notes shall be exempt from all State, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise; and the interest on said notes shall not be subject to taxation as for income, nor shall said notes be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation, or of the estate of any decedent.

Notes and interest exempt from taxation.

SEC. 4. That it shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any moneys in their hands in said notes.

Investment by fiduciaries and others authorized.

SEC. 5. That this Act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 138

CHAPTER 321

AN ACT TO PROVIDE FOR EXCHANGES OF BONDS OF THE STATE WHICH ARE HELD IN THE SINKING FUNDS UNDER THE CONTROL OF THE STATE SINKING FUND COMMISSION, AND FOR THE CANCELLATION OF CERTAIN HIGHWAY BONDS HELD IN THE SINKING FUNDS FOR SUCH BONDS.

WHEREAS, by Section two of Chapter one hundred and eighty-eight of the Public Laws of one thousand nine hundred and twenty-three, a sinking fund was created for the retirement of the principal of nineteen million five hundred thousand dollars highway serial bonds theretofore issued under Chapter two, Public Laws of one thousand nine hundred and twenty-one, Regular Session, into which sinking fund the State Treasurer is required to pay during each year the sum of one hundred thousand dollars; and

Preamble:  
Sinking fund created by Sec. 2, Ch. 188, Public Laws, 1923, for retirement of \$19,500,000 highway serial bonds.

State Treasurer required to pay \$100,000 to this sinking fund each year.

WHEREAS, by Section three of said Chapter one hundred and eighty-eight, a sinking fund was created for the retirement of the principal of bonds issued for highway purposes under said Chapter two, as amended, over and above the nineteen million five hundred thousand dollars bonds theretofore issued, into which sinking fund the State Treasurer is required to pay during each year the sum of four hundred thousand dollars; and

Sinking fund created by Sec. 3, Ch. 188, Public Laws, 1923, for retirement of highway bonds over the \$19,500,000.

State Treasurer required to pay \$400,000 to this sinking fund each year.

Interest yield in prevailing security market lower than when said sinking funds were created.

WHEREAS, at the time of the creation of said sinking funds, securities eligible as investments of money in said sinking funds could be purchased on an interest yield basis in excess of four per cent (4%) per annum, but under the conditions in the market for such securities which now prevail and have prevailed for a number of years, it has been impossible to purchase such securities except on a very much lower interest yield basis and it is expected that such market conditions will prevail for a number of years in the future; and

Method for more adequate retirement of said highway bonds.

WHEREAS, it is believed that, by providing for the cancellation of highway bonds of the State for which each sinking fund was created and which have heretofore or which may hereafter be purchased as investments of each such sinking fund and by providing for increasing the annual payments to said sinking funds as hereinafter set forth, the retirement of the highway bonds for which said sinking funds were created will be more adequately provided for and the rights of the bondholders will not be prejudiced: Now, therefore,

*The General Assembly of North Carolina do enact:*

State Sinking Fund Commission authorized to exchange State bonds in certain sinking funds for State bonds in certain other sinking funds.

SECTION 1. The State Sinking Fund Commission, created by Chapter sixty-two of the Public Laws of one thousand nine hundred and twenty-five, is hereby authorized to exchange any bonds of the State which shall at any time be held as an investment of moneys in any sinking fund under its control for like principal amounts of bonds of the State which shall then be held as an investment of moneys in any other sinking fund under its control, and in each such exchange each such sinking fund shall be charged with the market value of the bonds received by it, plus the accrued interest thereon, and shall be credited with the market value of the bonds exchanged therefor, plus the accrued interest thereon. Any difference in the amounts of such charges and such credits shall be adjusted by making the appropriate transfer of moneys from one sinking fund to the other sinking fund. The market value of each bond so exchanged shall be determined by the Commission, and such determination shall be based, as far as practicable, upon the current offering prices of bankers and dealers, taking into account the interest rates borne by the bonds and their maturities.

Method of exchange.

Determination of market value of exchanged bonds.

Investment of funds of said highway bond sinking funds.

SEC. 2. The State Sinking Fund Commission shall invest the moneys in the sinking funds created by Section two and Section three of Chapter one hundred and eighty-eight of the Public Laws of one thousand nine hundred and twenty-three, in highway bonds of the State unless the commission shall determine that it would be more practicable, at the time of such investment, to invest such moneys in other bonds of the State or in other securities eligible for such investment.

SEC. 3. If requested so to do by the Governor and Council of State, the State Sinking Fund Commission may at any time cancel any highway bonds of the State which are held in the sinking fund created by Section two of said Chapter one hundred and eighty-eight and which are a part of the bonds for the payment of which said sinking fund was so created, and to cancel any highway bonds of the State which are held in the sinking fund created by Section three of said Chapter one hundred and eighty-eight and which are a part of the bonds for the payment of which said sinking fund was so created.

Commission authorized to cancel certain highway bonds in said sinking funds upon request of Governor and Council of State.

SEC. 4. Upon the cancellation of any highway bonds of the State which are held in the sinking fund created by Section two of said Chapter one hundred and eighty-eight, as hereinabove provided, the annual payment to be made into said sinking fund in each year after such cancellation shall be increased from one hundred thousand dollars to one hundred and fifty thousand dollars.

Increase of payments to sinking fund provided upon cancellation of highway bonds held therein.

SEC. 5. Upon the cancellation of any highway bonds of the State which are held in the sinking fund created by Section three of said Chapter one hundred and eighty-eight, as hereinabove provided, the annual payment to be made into said sinking fund in each year after such cancellation shall be increased from four hundred thousand dollars to six hundred thousand dollars.

Increase of payments to sinking fund provided upon cancellation of highway bonds held therein.

SEC. 6. That this Act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 139

CHAPTER 322

AN ACT TO AUTHORIZE THE ISSUANCE OF HIGHWAY BONDS OF THE STATE.

WHEREAS, by the end of the present war emergency the highways of the State will be badly in need of repairs and improvements and the construction of new bridges, causeways and highways, as well as widening and straightening many existing highways, will be essential, and a program of public works of this character will be needed to give employment to thousands of citizens of the State who will otherwise be unemployed: Now, therefore,

Preamble: Highways of State will be in need of repairs at end of war.

Public works program needed to afford employment.

*The General Assembly of North Carolina do enact:*

SECTION 1. That this Act shall be known as the "Highway Bond Act of nineteen hundred and forty-three."

Title of Act.

SEC. 2. That for the purpose of providing additional means for carrying out the provisions of Chapter two, Public Laws

Purposes of Act.

Issuance of Highway Serial Bonds authorized.	of the Regular Session of one thousand nine hundred and twenty-one, as amended, and of enabling the State to avail itself to the fullest extent of all Federal aid funds that are now or may become available for use in the State for road purposes, the State Treasurer is hereby authorized, by and with the consent of the Governor and Council of State, to issue and sell, at one time or from time to time, bonds of the State, to be designated "State of North Carolina Highway Serial Bonds," in an aggregate principal amount not exceeding fifteen million dollars (\$15,000,000.00); provided, however, that the amount which shall be issued during any biennium shall be within the limitation on the debt contracting power of the State under the provisions of Section four of Article V of the Constitution as amended.
Consent of Governor and Council of State.	
Aggregate amount of bonds not to exceed \$15,000,000.00.	
Amount issued to be within limits of Constitution.	
Dates and interest rates.	SEC. 3. Said bonds shall bear such date or dates and such rate or rates of interest not exceeding three per centum (3%) per annum, payable semiannually, and shall mature at such times, not exceeding thirty (30) years from their date or respective dates, as may be fixed by the Governor and Council of State.
Maturity.	
Interest coupons.	SEC. 4. That said bonds shall carry interest coupons which shall bear the facsimile signature of the State Treasurer, and said bonds shall be subject to registration as is now or may hereafter be provided by law for State bonds, and be signed by the Governor of the State and the State Treasurer and sealed with the Great Seal of the State, and the form and denomination thereof shall be such as the State Treasurer may determine in conformity with this Act.
Registration.	
Execution.	
Form and denomination.	
Method of sale of said bonds.	SEC. 5. That, subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, whether by publishing notices in certain newspapers and financial journals or by mailing notices or by inviting bids by correspondence or otherwise, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest.
Not to be sold for less than par.	
Proceeds of bonds and notes to be placed in "State Highway Fund."	SEC. 6. That the proceeds of said bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be placed by the State Treasurer in the construction fund known as the "State Highway Fund."
State Treasurer authorized to borrow money and issue notes under certain conditions.	SEC. 7. That by and with the consent of the Governor and Council of State, who shall determine the rate or maximum rate of interest and the date or approximate date of payment, the State Treasurer is hereby authorized to borrow money at the lowest rate of interest obtainable, and to execute and issue notes of the State for the same, but only in the following circumstances and under the following conditions:

(a) For anticipating the sale of any of said bonds to the issuance of which the Governor and Council of State shall have given consent, if the State Treasurer shall deem it advisable to postpone the issuance of such bonds.

In anticipation of sale of bonds to which Governor and Council of State have given consent.

(b) For the payment of interest upon or any installment of principal of any of said bonds then outstanding, if there shall not be sufficient funds in the State treasury with which to pay such interest or installment of principal as they respectively fall due.

For payment of interest and installments of principal of said bonds if sufficient funds not in treasury for such purpose.

(c) For the renewal of any loan evidenced by notes herein authorized.

For renewal of notes herein authorized.

SEC. 8. That notes issued in anticipation of the sale of said bonds shall be paid with funds derived from the sale of the bonds unless otherwise provided for by the General Assembly, and notes issued for the payment of interest and installments of principal shall be paid from funds provided by the General Assembly for the payment of such interest and principal when such funds are collected. Interest payments upon such notes may be evidenced by interest coupons in the State Treasurer's discretion.

Payment of anticipation notes.

SEC. 9. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes authorized by this Act.

Pledge of State credit.

SEC. 10. That the coupons of said bonds and notes after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Coupons of said bonds receivable in payment of certain debts due State.

SEC. 11. That all of said bonds and notes and coupons shall be exempt from all state, county and municipal taxation or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds and notes shall not be subject to taxation as for income, nor shall said bonds or notes or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Bonds, notes and interest exempt from taxation.

SEC. 12. That it shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissions, to invest any moneys in their hands in said bonds and notes.

Investment by fiduciaries and others authorized.

SEC. 13. That the principal of and the interest on the bonds authorized by this Act which fall due in each fiscal year, shall be paid out of the State Highway Fund.

Said bonds and interest to be paid from State Highway Fund.

SEC. 14. That this Act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 143

## CHAPTER 323

AN ACT TO FIX THE SALARIES FOR PUBLIC OFFICIALS  
AND EMPLOYEES IN DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of C. S. C.  
of Durham  
County.

SECTION 1. The Clerk of the Superior Court of Durham County shall receive a salary of four thousand and six hundred dollars (\$4,600.00) annually, and the following employees in said clerk of Superior Court's office shall receive the following compensation.

Salary of Assist-  
ant C. S. C.

The Assistant Clerk of Superior Court of Durham County shall receive two thousand seven hundred and fifty dollars (\$2,750.00) annually; one deputy clerk, two thousand and five hundred dollars (\$2,500.00) annually; one deputy clerk, two thousand one hundred and seventy-eight dollars (\$2,178.00) annually; one deputy clerk, one thousand nine hundred and eighty dollars (\$1,980.000) annually.

Salary of  
Deputies.

Salary of  
Sheriff.

SEC. 2. That the Sheriff of Durham County shall receive four thousand and six hundred dollars (\$4,600.000) annually, and the following employees of said sheriff's office shall receive the following compensation:

Salary of De-  
puties Sheriff.

The Chief Deputy Sheriff of Durham County, two thousand and two hundred dollars (\$2,200.00) annually; five deputy sheriffs, two thousand and one hundred dollars (\$2,100.00) each annually; two jailors, one thousand nine hundred and twenty dollars (\$1,920.00) each annually; one clerk, one thousand nine hundred and twenty dollars (\$1,920.00) annually; two special deputies, five dollars (\$5.00) per day each for days served.

Salaries of certain  
other employees  
of Sheriff's  
Office.

Salary of Register  
of Deeds.

SEC. 3. The Register of Deeds of Durham County shall receive three thousand and nine hundred dollars (\$3,900.00) annually, and the following employees of said register of deeds' office shall receive the following compensation:

Salaries of  
deputies of Reg-  
ister of Deeds.

One deputy register of deeds, two thousand four hundred and forty dollars (\$2,440.00) annually; one deputy register of deeds, two thousand dollars (\$2,000.00) annually; one deputy register of deeds, one thousand and eight hundred dollars (\$1,800.00) annually.

Salary of Judge  
of Recorder's  
Court.

SEC. 4. That the Judge of Recorder's Court of Durham County shall receive four thousand and five hundred dollars (\$4,500.00) annually; that the Prosecuting Attorney of Durham County shall receive three thousand and six hundred dollars (\$3,600.00) annually; and that the Clerk of Recorder's Court of Durham County and the employees shall receive the following salaries annually:

Salary of Prose-  
cuting Attorney.

The Clerk of Recorder's Court of Durham County shall receive two thousand seven hundred and fifty dollars (\$2,750.00) annually; one assistant clerk, one thousand eight hundred and sixty dollars (\$1,860.00) annually; one deputy clerk, one thousand six hundred and twenty dollars (\$1,620.00) annually; one deputy clerk, one thousand five hundred and sixty dollars (\$1,560.00) annually; one stenographer and filing clerk, one thousand one hundred and forty dollars (\$1,140.00) annually.

Salary of Clerk of Recorder's Court.

Salary of assistant and deputies.

Salary of filing clerk.

SEC. 5. All the above salaries shall be upon an annual basis, payable monthly, in the same form as has been the custom by the proper officials of Durham County.

Salaries payable monthly.

SEC. 6. The jurors and grand jurors of Durham County shall receive four dollars (\$4.00) per day each while serving, and said jurors and grand jurors shall be paid in the same form as has been the custom by the proper officials of Durham County.

Compensation of jurors and grand jurors.

SEC. 7. The County Commissioners of Durham County shall be paid the sum of ten dollars (\$10.00) per day served, but shall not be paid for more than forty-eight (48) days in any twelve (12) month period. Said commissioners shall be paid in the same form as has been the custom by the proper officials of Durham County.

Compensation of County Commissioners.

SEC. 8. That all laws and clauses of laws in conflict with this provision of this Act are hereby repealed, especially all Public-Local and Private Laws affecting the salaries of the above-named officers, employees, and persons heretofore named.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 1st day of March, 1943.

S. B. 146

## CHAPTER 324

AN ACT TO AUTHORIZE ANY POLICE OFFICER OF THE RANK OF SERGEANT, OR OF HIGHER RANK, WHO IS ASSIGNED TO DAY OR NIGHT DUTY AS THE DESK OFFICER IN THE CITY OF STATESVILLE, TO ISSUE WARRANTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Every police officer of the rank of sergeant, or of higher rank, of the City of Statesville, who is assigned to day or night duty as the desk officer, is hereby authorized to issue process for apprehension of persons charged with the commission of any criminal offense in the City of Statesville or within one mile of the corporate limits thereof, in the same manner and under the same conditions and subject to the same restric-

Certain police officers of City of Statesville authorized to issue warrants.

tions as set out in Article two, Chapter eighty-three, of the Consolidated Statutes of North Carolina, as amended, relating to warrants.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 147

### CHAPTER 325

AN ACT TO EXTEND THE TIME WITHIN WHICH BONDS OF COUNTIES AND MUNICIPALITIES HERETOFORE AUTHORIZED MAY BE ISSUED.

*The General Assembly of North Carolina do enact:*

Time of issuance of certain county bonds extended.

SECTION 1. That any bonds of a county which have heretofore been authorized to be issued by an order passed pursuant to the provisions of the County Finance Act, being Chapter eighty-one of the Public Laws of one thousand nine hundred and twenty-seven, as amended, and which have not been issued at the time of ratification of this Act, and the time within which such bonds may be issued under the provisions of Section thirty-two of said County Finance Act will expire before July first, one thousand nine hundred and forty-five, may be issued, in accordance with all other provisions of law, at any time prior to said July first, one thousand nine hundred and forty-five.

Time of issuance of certain municipal bonds extended.

SEC. 2. That any bonds of a municipality which have heretofore been authorized to be issued by an ordinance passed pursuant to the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and which have not been issued at the time of ratification of this Act, and the time within which such bonds may be issued under the provisions of Section two thousand nine hundred and fifty of the Consolidated Statutes, being a part of said Municipal Finance Act, will expire before July first, one thousand nine hundred and forty-five, may be issued, in accordance with all other provisions of law, at any time prior to said July first, one thousand nine hundred and forty-five.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 164

CHAPTER 326

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF CERTAIN COUNTY BOARDS IN MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Chairman of the Board of County Commissioners of Moore County shall be paid, as compensation for his services, a salary of fifty dollars (\$50.00) per month. The other members of the Board of County Commissioners of Moore County shall be paid the sum of ten dollars (\$10.00) per day for each day upon which they attend a meeting of said board of county commissioners. All the members of said board of county commissioners shall be entitled to five cents (5¢) per mile to defray their expenses in traveling that is necessary to carry on their official duties.

Compensation of Chairman of Board of County Commissioners of Moore County.

Compensation of other members of Board.

Mileage.

SEC. 2. The members of the Board of Education, the Welfare Board, and the Board of Health of Moore County shall each be paid, as compensation for their services, the sum of five dollars (\$5.00) per day for each day upon which they attend meetings of their respective boards. The members of said board of education, welfare board and board of health, shall also be entitled to five cents (5¢) per mile to defray their expenses in traveling that is necessary to carry on their official duties.

Compensation of members of certain other boards in Moore County.

Mileage.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 169

CHAPTER 327

AN ACT TO AMEND CHAPTER THIRTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE APPOINTMENT OF A COUNTY ACCOUNTANT FOR BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter thirty-four of the Public Laws of one thousand nine hundred and thirty-one be, and the same is hereby, amended by striking out all of said Section two and in lieu thereof the following be substituted and inserted:

Sec. 2, Ch. 34, Public Laws, 1931, rewritten.

Term of office of County Accountant of Brunswick County.  
Appointment of successor.  
Term.

"SEC. 2. That the present County Accountant of Brunswick County shall hold his term of office until the first Monday in December, one thousand nine hundred and forty-four, at which time the Director of Local Government of the State of North Carolina shall appoint his successor, who shall hold office for a term of four years, and that the office of county accountant be filled by appointment by the said Director of Local Government of the State of North Carolina each four years thereafter: Provided, if the present county accountant shall die, resign, or be removed from office, his successor shall be appointed by the Director of Local Government of the State of North Carolina for the unexpired term."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 174

## CHAPTER 328

### AN ACT TO FIX THE MEMBERSHIP OF THE BOARD OF EDUCATION OF GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

County Board of Education of Graham County to consist of 4 members.

SECTION 1. The County Board of Education of Graham County shall consist of four members.

Membership to be reduced to 3 if vacancy occurs.

SEC. 2. If a vacancy occurs in the membership of said board of education by death, resignation, or otherwise, said vacancy shall not be filled and the membership of said board shall be reduced from four to three members.

Membership of said board.

SEC. 3. The Board of Education of Graham County shall consist of the persons named in the Act passed by this session of the General Assembly appointing members of the board of education of the various counties in this State, and shall hold office for the terms therein specified.

Term of office.

Ch. 434, Public-Local Laws, 1941, repealed.

SEC. 4. That Chapter four hundred and thirty-four of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby, expressly repealed.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act, whether the same be public or public-local, be, and the same are hereby, repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 179

## CHAPTER 329

AN ACT TO AMEND CHAPTER SEVENTY-FOUR, PRIVATE LAWS OF NORTH CAROLINA, EXTRA SESSION ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATING TO THE INCORPORATION OF THE TOWN OF NORMAN, RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter seventy-four of the Private Laws of North Carolina, Extra Session one thousand nine hundred and thirteen, be amended by striking out all of said section and inserting in lieu thereof the following:

Sec. 1, Ch. 74,  
Private Laws,  
Extra Session,  
1913, rewritten.

“SECTION 1. That the Town of Norman, in the County of Richmond, be, and it is hereby, incorporated by the name and style of the Town of Norman, and shall be subject to the provisions of the general laws relative to municipal corporations and acts amendatory thereof; that it shall have an official seal, and may sue and be sued in the several courts of the State in its corporate name, ‘Town of Norman.’”

Town of Norman,  
in Richmond  
County, incor-  
porated.

Subject to gen-  
eral laws rela-  
tive to municipal  
corporations.

May sue and  
be sued.

SEC. 2. That Section three of Chapter seventy-four of Private Laws of North Carolina, Extra Session one thousand nine hundred and thirteen, be amended by striking out all of said section between the word “election” in line four of said section and the word “town” in line ten of said section, and inserting in lieu thereof the following words: “On Tuesday after the first Monday in May, one thousand nine hundred and forty-three, namely: Mayor, E. V. Hogan; Commissioners, T. A. Shaw, D. T. Warner and C. E. Martin. The commissioners will have authority to appoint a marshal and treasurer to hold office until the next regular election in May. All of the offices named herein shall be filled by election of the popular vote, except that of marshal and treasurer, which shall be filled by appointment of the commissioners of said town.”

Sec. 3, Ch. 74,  
Private Laws,  
Extra Session,  
1913, amended  
as to certain  
officers of the  
Town of Norman.

Appointment of  
marshal and  
treasurer.

Election of  
certain officers.

SEC. 3. That Section four of Chapter seventy-four of the Private Laws of North Carolina, Extra Session one thousand nine hundred and thirteen be amended by striking out said section and inserting in lieu thereof the following:

Sec. 4, Ch. 74,  
Private Laws,  
Extra Session,  
1913, rewritten.

“SEC. 4. That the officers shall be elected under the provisions of the general laws relating to municipal elections, and shall hold their offices for a term of two years and until their successors are elected and qualified.”

Method of elec-  
tion of officers.

Term of office.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting  
laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 184

## CHAPTER 330

AN ACT RELATING TO THE COMPENSATION OF THE  
CLERK OF THE SUPERIOR COURT AND THE REG-  
ISTER OF DEEDS OF MOORE COUNTY.*The General Assembly of North Carolina do enact:*

Compensation  
of C. S. C. of  
Moore County to  
be fixed by Board  
of Commissioners.

Fees of office to  
be turned over  
to County Auditor  
for deposit in  
general fund.

Expenditure  
authorized for  
assistants, etc.,  
for C. S. C.

Number and  
compensation to  
be determined by  
Board.

Compensation of  
Register of Deeds  
to be fixed by  
Board.

Fees of office  
to be turned over  
to County Audi-  
tor for deposit  
in general fund.

Expenditure  
authorized for  
assistants, etc.,  
for Register of  
Deeds.

Number and  
compensation to  
be determined by  
Board.

Monthly audits.

SECTION 1. The Clerk of the Superior Court of Moore County shall receive as full compensation, for all the duties required by law to be performed by him, a salary, to be fixed by the board of commissioners of said county, of not less than three thousand and six hundred dollars (\$3600.00), nor more than five thousand dollars (\$5000.00) per annum, payable monthly. All fees and commissions required or allowed by law to be paid to said clerk shall be collected by him and turned over monthly to the county auditor for deposit in the general fund of the county. The board of county commissioners shall also be authorized to expend an amount of not more than two thousand and five hundred dollars (\$2500.00) for necessary assistants, deputies, or clerical employees for the clerk of the Superior Court. The commissioners shall determine the number of assistants, deputies, or clerical employees needed by the clerk of Superior Court, and shall determine the apportionment of the amount which they are herein authorized to expend for such purposes among such assistants, deputies of clerical employees.

SEC. 2. The Register of Deeds of Moore County shall receive as full compensation, for all the duties required by law to be performed by him, a salary to be fixed by the board of commissioners of said county, of not less than two thousand dollars (\$2000.00), nor more than two thousand and five hundred dollars (\$2500.00) per annum, payable monthly. All fees and commissions required or allowed by law to be paid to the register of deeds shall be collected by him and turned over monthly to the county auditor for deposit in the general fund of the county. The board of county commissioners shall also be authorized to expend an amount of not more than twelve hundred dollars (\$1200.00), for necessary assistants, deputies, or clerical employees for the register of deeds. The commissioners shall determine the number of assistants, deputies, or clerical employees needed by the register of deeds, and shall determine the apportionment of the amount which they are herein authorized to expend for such purposes among such assistants, deputies or clerical employees.

SEC. 3. The offices of both the Clerk of Superior Court and the Register of Deeds of Moore County shall be audited monthly at the same time and in the same manner as the offices and accounts of other county officials may be audited.

SEC. 4. This Act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and forty-six.

Effective date.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Ratified this the 1st day of March, 1943.

S. B. 185

### CHAPTER 331

#### AN ACT TO REGULATE THE SALARIES OF ALL EMPLOYEES OF RUTHERFORD COUNTY EXCEPT THE ELECTIVE OFFICIALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Rutherford County is hereby authorized and empowered, in its sole discretion, to determine and fix the salaries of all county employees, other than those officials elected by the people, and whose salaries have heretofore been fixed by Legislative Act, including all county deputies, assistants, stenographers and clerks employed in the office of the clerk of the Superior Court, register of deeds, tax collector's office, sheriff and county auditor, and any and all other similar employees, regardless to what office or department of the county government they may be assigned.

Board of County Commissioners of Rutherford County authorized to fix salaries of certain county employees.

SEC. 2. The Board of County Commissioners of Rutherford County is authorized and empowered, in its discretion, is so far as this Act increases the salaries of such employees, to make the same effective as of the first Monday in December, one thousand nine hundred and forty-two.

Salary increases hereunder may be effective as of December, 1942.

SEC. 3. That all laws and clauses of laws, and in particular those sections of Chapters two hundred and eighty-nine, three hundred and fifty-one and three hundred and seventy-three of the Public-Local Laws of one thousand nine hundred and forty-one, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Ch. 289, Ch. 351, and Ch. 373, Public-Local Laws, 1941, repealed to extent of conflict with this Act.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 209

## CHAPTER 332

AN ACT TO AMEND CHAPTER TEN, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, ENTITLED AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROBESON COUNTY TO FIX, RAISE, LOWER OR ADJUST SALARIES OF COUNTY OFFICIALS AND SUBORDINATES IN ACCORDANCE WITH CHANGING ECONOMIC CONDITIONS AND FOR EFFICIENCY.

*The General Assembly of North Carolina do enact:*

Ch. 10, Public-Local Laws, 1933, amended.

SECTION 1. That Chapter ten of the Public-Local Laws of North Carolina, Session of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out all of Section eight and substituting in lieu thereof the following:

Compensation of Sheriff of Robeson County.

“SEC. 8. In no case shall the amount to be paid to the sheriff as salary be less than two hundred and twenty-five dollars per month nor more than three hundred dollars per month.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 212

## CHAPTER 333

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FOUR OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA FOR ONE THOUSAND NINE HUNDRED AND TWENTY-ONE RELATING TO THE FIXING OF THE COMPENSATION OF CERTAIN OFFICERS IN GASTON COUNTY AND OTHER MATTERS.

*The General Assembly of North Carolina do enact:*

Ch. 464, Public-Local Laws, 1921, amended.

SECTION 1. That Chapter four hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and twenty-one be, and the same is hereby amended by changing the period at the end of Section five thereof to a semicolon and by adding the following:

Compensation of certain members of Board of Commissioners of Gaston County.

“That the other members of the Board of Commissioners of Gaston County shall receive a per diem of seven dollars (\$7.00) and mileage; and when additional duties are assigned to a member of the board other than the chairman, additional remun-

eration may be paid in an amount not to exceed six hundred dollars (\$600.00) per annum.”

SEC. 2. That all laws and clauses of law in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 216

CHAPTER 334

AN ACT TO ENABLE THE COMMISSIONERS OF ALAMANCE COUNTY TO PAY A WAR BONUS TO ITS EMPLOYEES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Alamance County is hereby authorized and empowered to pay a war bonus or sum in addition to the salaries heretofore paid to the employees of Alamance County, including the register of deeds, the clerk of the Superior Court, and the sheriff, whose salaries are fixed by the Legislature, and said board is authorized to make such payments effective at the effective date of the bonus or extra payments to the employees of the State of North Carolina.

Board of Commissioners of Alamance County authorized to pay war bonus to certain county employees.

Date payments to be effective.

SEC. 2. The Board of Commissioners of Alamance County is hereby authorized and empowered to amend its budget, as heretofore adopted, for the fiscal year one thousand nine hundred and forty-two and one thousand nine hundred and forty-three, so as to provide for the payment of such war bonus or additional payments to the said employees of Alamance County.

Board authorized to amend budget.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 1st day of March, 1943.

S. B. 224

CHAPTER 335

AN ACT TO INCORPORATE THE RICHMOND COUNTY COUNTRY CLUB COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created in Richmond County, North Carolina, a corporation to be known as the “Richmond County Country Club Commission,” composed of the following citizens and residents of said county who shall serve from and after the date of the ratification of this Act and until their suc-

Incorporation of “Richmond County Country Club Commission.”

Members of  
corporation.  
Term of office.

cessors shall have been selected, as hereinafter provided, for a term of two years: W. S. Covington, J. J. Heeny, Dr. W. D. James, William G. Pittman and Jack Land.

Control over  
certain golf  
course and club-  
house property  
owned by Town  
of Rockingham  
vested in cor-  
poration.

SEC. 2. That the general control, management and authority of and over the lands and properties now owned by the Town of Rockingham, upon which there is a clubhouse and golf course and other buildings, together with all buildings, equipment, appliances and other properties, real and/or personal, and appurtenances thereto, and used in connection therewith, be and the same is hereby vested in said corporation.

Powers and  
duties of cor-  
poration.

SEC. 3. That the powers and duties of said corporation shall be to control, lease, manage, operate and superintend the aforesaid properties in such manner as it may deem best for the preservation and improvement of the same and for the benefit and accommodation of the residents of said county as a country club; to prescribe and enforce rules and regulations pertaining to the use of the aforesaid country club and properties by the residents of said county, and others, and to fix, determine, collect and receive such dues, charges, rents, and fees for the use of such facilities and properties as a country club by the residents of said county and others, as it may deem best for the proper preservation, improvement, and maintenance of the same; to acquire, on behalf of said town, for the country club purposes herein contemplated and none other, by purchase, lease, gift or otherwise, and hold, manage, control and operate in the same manner as above stated, any and all other properties, real and/or personal, that may be necessary or convenient to the preservation, improvement and/or expansion of the aforesaid country club facilities and properties, and to do and perform any and all other acts and things necessary or convenient to the accomplishment of the foregoing purposes; to promote salutary rules and regulations for the operation of said country club.

Method of filling  
vacancies on  
commission.

SEC. 4. That all vacancies occurring on said commission, either by expiration of term of office, or otherwise, shall be filled by appointment by the Mayor and Board of Commissioners of the Town of Rockingham.

Commission a  
body politic.

SEC. 5. That the said commission shall be considered a public body and body corporate and politic exercising public powers. The corporation shall be a nonstock, nonprofit organization, and no dividends shall be declared to any of its members, but all revenues received shall be used in the maintenance, improvement and/or expansion of the country club facilities and properties.

Nonprofit  
organization.

Revenues to be  
used for benefit  
of country club  
facilities and  
properties.

Limitation on  
corporate powers.

SEC. 6. That this corporation shall have no power to mortgage, encumber or convey in any way any of the properties under its supervision, nor any power to contract any debt or incur any obligations in excess of its anticipated revenues.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 63

CHAPTER 336

AN ACT TO AUTHORIZE COUNTY COMMISSIONERS TO PROVIDE COMPENSATION FOR MEMBERS OF RATIONING BOARDS WHILE IN THE ACTUAL PERFORMANCE OF THEIR DUTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Martin County is authorized, in its discretion, to provide compensation for members of local rationing boards functioning in Martin County and assisting in the administration of the rationing program of the Federal Government. Such compensation shall consist of a per diem allowance not to exceed five dollars per day per member for each day in which the members are engaged in the actual performance of their duties, and an allowance for transportation not to exceed five cents per mile for each mile traveled by a member going to and returning from his work as a member of the rationing board. The per diem and mileage allowances shall be paid from the general funds of the county.

Board of County Commissioners of Martin County permitted to compensate local rationing boards.

Amount of compensation.

Mileage.

Amounts to be paid from general fund.

SEC. 2. This Act shall apply only to Martin County.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 139

## CHAPTER 337

AN ACT RELATING TO THE ELECTION AND DUTIES OF THE TAX SUPERVISOR AND COLLECTOR FOR AVERY COUNTY BY AMENDING CHAPTER FOUR HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 409,  
Public-Local  
Laws, 1935,  
rewritten.

SECTION 1. Section four of Chapter four hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-five is hereby repealed and a new Section four is hereby enacted, to read as follows:

Duties of Tax  
Collector and  
Tax Supervisor  
of Avery County.

"SEC. 4. The tax collector and tax supervisor shall make four trips to each voting precinct in the county each year for the purpose of collecting any and all taxes due the county, and is authorized to accept and receive part payments and issue receipt therefor. He shall exercise and exhaust all legal remedies to collect taxes out of the personal property of the taxpayer before resorting to sale of such taxpayer's real estate: Provided, however, that his failure so to do shall not invalidate the tax sale of said real estate. The said tax supervisor and tax collector shall receive as his full pay and compensation for the duties imposed upon him by the provisions of Chapter four hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-five and the duties herein imposed, two per cent of all taxes collected by him for and on behalf of Avery County."

Compensation of  
Tax Collector  
and Tax Super-  
visor.

Effective date.

This section of this Act shall become effective the first Monday in July, one thousand nine hundred and forty-three.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after the first Monday in July, one thousand nine hundred and forty-three.

Ratified this the 1st day of March, 1943.

H. B. 149

## CHAPTER 338

AN ACT TO REIMBURSE PAUL WESTMORELAND OF FORSYTH COUNTY FOR DAMAGES TO HIS AUTOMOBILE AND PERSON THROUGH COLLISION WITH A SCHOOL BUS ON APRIL FIFTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

WHEREAS, on the fifteenth day of April, one thousand nine hundred and forty-two, a collision occurred between a school bus belonging to the State School Commission and a private automobile owned and operated by Paul Westmoreland, of Forsyth County, North Carolina; and

Preamble:  
Collision between school bus and private car of Paul Westmoreland.

WHEREAS, at the time of said collision the said school bus was being operated by one Orval Helper, a substitute for the regular driver; and

School bus operated by substitute driver.

WHEREAS, said collision occurred at the time the school bus was making the turn from United States Highway Number fifty-two (52) into North Carolina Highway Number sixty-five (65), and it appears that the driver of the school bus turned the corner too quickly and was at fault; and

Bus driver at fault.

WHEREAS, said collision was caused by the negligent operation of the school bus by the said bus driver; and

Bus driver negligent.

WHEREAS, it appears that Paul Westmoreland has suffered damages to his automobile and personal injuries in the sum of at least one hundred and forty dollars (\$140.00) due to said collision and due to no fault on his part; and

Damage sustained by Westmoreland.

WHEREAS, the said Paul Westmoreland is not authorized by law to recover his loss by legal action against the State School Commission or the State of North Carolina; and

No right of legal action.

WHEREAS, there is no remedy available to said Paul Westmoreland to secure reimbursement for his loss and that it is just and proper that he be reimbursed for the loss sustained by him: Now, therefore,

Should be reimbursed.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of Paul Westmoreland, referred to above and, upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of the driver of said automobile, the State School Commission is authorized to pay Paul Westmoreland such sum not exceeding one hundred and forty dollars (\$140.00) as will reimburse him for the damage found to be thus sustained.

State School Commission to investigate.

Reimbursement authorized upon certain findings.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 180

CHAPTER 339

AN ACT TO REGULATE THE CLOSING HOURS OF PLACES SELLING BEER AND/OR WINE IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sale of beer or wine between certain hours unlawful.

SECTION 1. That, from and after the ratification of this Act, it shall be unlawful for any person, firm, or corporation, licensed to sell beer and/or wine in North Carolina to sell, or offer for sale, any beer and/or wine in North Carolina between the hours of eleven-thirty p. m. and seven a. m. every day.

Sellers of beer and wine prohibited from permitting consumption of beer or wine in places under their control during certain hours.

SEC. 2. That it shall be unlawful for any person, firm, or corporation, licensed to sell beer and/or wine in North Carolina, to permit or allow the consumption of any beer and/or wine in any place in North Carolina under the control of, or being operated by, said licensee, between the hours of twelve midnight and seven a. m. every day.

County Commissioners permitted to regulate sale of beer and wine during certain hours.

SEC. 3. In addition to the restrictions on the sale of beer and/or wine set out in Sections one and two hereof, the county commissioners of the various counties in North Carolina shall have, and they are hereby vested with, full power and authority to regulate and prohibit the sale of beer and/or wine from eleven-thirty p. m. on each Saturday until seven a. m. on the following Monday. The governing bodies of all municipalities in the State shall have, and they are hereby vested with, the full power and authority to regulate and prohibit the sale of beer and/or wine from eleven-thirty p. m. on each Saturday until seven a. m. on the following Monday.

Municipalities permitted to regulate sale of beer and wine during certain hours.

Scope of power vested in municipalities.

The power herein vested in governing bodies of municipalities shall be exclusive within the corporate limits of their respective municipalities, and the powers herein vested in the county commissioners of the various counties in North Carolina shall be exclusive in all portions of their respective counties not embraced in the corporate limits of municipalities therein.

Scope of power vested in county commissioners.

Violation of this Act or of regulations made hereunder misdemeanor.

SEC. 4. That any person, firm, or corporation, licensed to sell beer and/or wine, violating the provisions of this Act, or any person, firm, or corporation, licensed to sell beer and/or wine, violating any regulations which may be made under this

Act by the county commissioners of the county in which said person, firm, or corporation is licensed to sell beer and/or wine, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars (\$50.00) and/or imprisoned not less than thirty days, and his or its license to sell beer and/or wine shall automatically be revoked, by the court, or as otherwise provided by law.

Penalties.

Revocation of license.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 199

### CHAPTER 340

AN ACT TO INCREASE THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF ELECTIONS TO FIVE DOLLARS PER DAY IN ORDER TO PLACE ALL MEMBERS ON AN EQUAL BASIS WITH THE CHAIRMAN OF SAID BOARD OF ELECTIONS WHILE ENGAGED IN THE DISCHARGE OF THEIR DUTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Each member of the County Board of Elections of Currituck County shall receive for his services, when actually engaged in the discharge of his duties, the sum of five dollars (\$5.00) per day.

Compensation of members of County Board of Elections of Currituck County.

SEC. 2. It is the purpose of this Act to place all members of the Board of Elections of Currituck County on an equal basis with the chairman for services rendered when actually engaged in the discharge of their duties.

Members placed on equal basis with Chairman.

SEC. 3. That this Act shall apply to Currituck County only.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 216

## CHAPTER 341

AN ACT TO INCREASE THE COMPENSATION OF JUDGES OF ELECTIONS IN CURRITUCK COUNTY FOR THEIR SERVICES ON THE DAY OF A PRIMARY OR ELECTION FROM THE SUM OF FOUR DOLLARS TO THE SUM OF FIVE DOLLARS IN ORDER TO PLACE THE COMPENSATION OF SAID JUDGES OF ELECTION ON THE SAME BASIS AS REGISTRARS.

*The General Assembly of North Carolina do enact:*

Compensation of judges of elections in Currituck County.

SECTION 1. That judges of elections in Currituck County shall each receive for their services on the day of a primary or election the sum of five dollars (\$5.00).

Purpose of Act.

SEC. 2. It is the purpose of this Act to place all members of the Board of Elections of Currituck County on an equal basis with the registrar for services rendered when actually engaged in the discharge of their duties.

Application of Act.

SEC. 3. That this Act shall apply to Currituck County only.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 220

## CHAPTER 342

AN ACT TO APPROPRIATE FUNDS FOR THE EQUIPMENT OF THE NORTH CAROLINA STATE GUARD.

*The General Assembly of North Carolina do enact:*

Governor and Council of State authorized to equip N. C. State Guard if Federal Government does not.

SECTION 1. In the event that the Federal Government does not furnish the necessary equipment for the North Carolina State Guard, the Governor and Council of State are hereby authorized and empowered, in their discretion, when they deem it necessary to equip the State Guard, to expend a sum not in excess of fifty thousand dollars (\$50,000.00) from the Contingency and Emergency Fund for the biennium beginning July first, one thousand nine hundred and forty-three and ending June thirtieth, one thousand nine hundred and forty-five, for the purpose of equipping the North Carolina State Guard.

Expenditure of \$50,000 authorized.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 260

## CHAPTER 343

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND TWENTY-NINE OF THE CONSOLIDATED STATUTES, AS AMENDED, TO INCLUDE, AMONG THOSE EXEMPTED FROM JURY DUTY, RADIO BROADCAST TECHNICIANS AND ANNOUNCERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section two thousand three hundred and twenty-nine of the Consolidated Statutes is hereby amended by adding, between the comma in the ninth line and the words "and all members," the following: "radio broadcast technicians, announcers, and optometrists."

C. S. 2329 amended to exempt radio broadcast technicians, announcers and optometrists from jury duty.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 262

## CHAPTER 344

AN ACT TO AUTHORIZE THE STATE SCHOOL COMMISSION TO PROVIDE REIMBURSEMENT FOR A LOSS SUSTAINED RESULTING FROM A COLLISION WITH A SCHOOL BUS IN PAMLICO COUNTY, IF FOUND TO BE DUE TO THE NEGLIGENCE OF THE BUS DRIVER.

WHEREAS, a school bus being operated by an employee of the Pamlico County Board of Education backed into the side of an automobile owned by Dr. S. E. McCotter; and

Preamble:  
Collision between school bus and car of Dr. S. E. McCotter.

WHEREAS, as a result of said collision the automobile owned by the said Dr. S. E. McCotter was considerably damaged: Now, therefore,

Car damaged.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized and empowered to pay to Dr. S. E. McCotter such damages as he may have sustained as a result of said collision not exceeding one hundred and eighty-four dollars and fifty cents (\$184.50): Provided, said State School Commission finds that said collision was solely and proximately caused by the negligence of the driver of said school bus without contributory negligence on the part of said Dr. S. E. McCotter.

Reimbursement authorized upon finding of negligence of school bus driver and absence of contributory negligence.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 263

CHAPTER 345

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND EIGHTY-THREE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AND TO REENACT CHAPTER FOUR HUNDRED AND SIXTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, TO PROVIDE FOR THE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY BY THE QUALIFIED VOTERS OF THE ENTIRE COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 183, Public-Local Laws, 1941, repealed.

Ch. 460, Public-Local Laws, 1933, reenacted.

Method of nomination and election of County Commissioners of Pasquotank County.

Conflicting laws repealed.

SECTION 1. That Chapter one hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and forty-one, be and the same is hereby repealed, and all of the provisions of Chapter four hundred and sixty of the Public-Local Laws of one thousand nine hundred and thirty-three be, and the same are hereby reenacted so as to provide that in the general primary, or primaries, hereafter held preceding the general election in Pasquotank County, there shall be nominated by each of the political parties participating therein one candidate from each of the five rural townships and two from Elizabeth City Township for the office of County Commissioner of Pasquotank County, to be voted on by the qualified voters of the entire county.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 299

CHAPTER 346

AN ACT TO AMEND CHAPTER FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE SO AS TO AUTHORIZE THE LICENSING OF PERSONS FIFTEEN YEARS OF AGE TO OPERATE MOTOR VEHICLES.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 52, Public Laws, 1935, amended as to age limit for temporary operation of motor vehicle without driver's license.

SECTION 1. That Paragraph (a) of Section two of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the phrase, "sixteen

(16) years" in lines five and six thereof, and inserting in lieu thereof the phrase, "fifteen (15) years."

SEC. 2. That Paragraph (c) of Section three of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the phrase, "sixteen (16) years" in line one thereof, and inserting in lieu thereof the phrase, "fifteen (15) years."

SEC. 3. That Paragraph (a) of Section four of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the phrase, "sixteen (16) years" in line two thereof, and inserting in lieu thereof the phrase, "fifteen (15) years."

SEC. 4. That Section six of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the phrase, "sixteen (16)" in lines two and three thereof, and inserting in lieu thereof the phrase, "fifteen (15)."

SEC. 5. That Section seven, Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five, is hereby amended by striking out the word "sixteen" in line two thereof and inserting in lieu thereof the word "fifteen."

SEC. 6. That Section twenty-six of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the word "sixteen" in line two thereof and inserting in lieu thereof the word "fifteen."

SEC. 7. It shall be unlawful for any person under the age of sixteen years to drive a vehicle of more than one and one-half (1½) tons in weight on the highways of this State, or for a person under the age of sixteen years to drive a vehicle hauling any materials of a highly inflammable nature, such as kerosene, gasoline, and/or explosives such as dynamite and similar commodities.

SEC. 8. No license shall be issued to any person under the age of sixteen years except upon the written application of the parent or the person in loco parentis.

SEC. 9. The license shall be revoked for twelve months in the event of violation of any of the provisions of Sections seven and eight of this Act.

SEC. 10. This Act shall remain in force for two years from the date of its ratification and no longer.

SEC. 11. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

Sec. 3 amended as to age limit for non-resident operators of motor vehicles.

Sec. 4 amended as to age limit for issuance of operator's license.

Sec. 6, relative to requirements for licensing certain minors, amended as to age limit.

Sec. 7 amended as to age limit.

Sec. 26, amended to change age limits as to certain unlawful acts.

Driving of vehicle of more than 1½ tons by person under 16 unlawful.

Unlawful for person under 16 to drive while hauling certain materials.

Written application of parent necessary for issuance of license to person under 16.

License revoked for certain violations.

Act to remain in force two years.

Conflicting laws repealed.

H. B. 335

CHAPTER 347

AN ACT TO AMEND SECTION FOUR THOUSAND THREE HUNDRED AND EIGHTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO OFFICERS WILFULLY FAILING TO DISCHARGE THEIR DUTIES, SO AS TO MAKE SAID SECTION APPLICABLE TO RECORDERS AND PROSECUTING ATTORNEYS OF RECORDER'S COURTS.

*The General Assembly of North Carolina do enact:*

C. S. 4384 making wilful failure by certain officers to discharge duties misdemeanor, amended to apply to recorders and prosecuting attorneys.

SECTION 1. Section four thousand three hundred and eighty-four of the Consolidated Statutes of North Carolina, making it a misdemeanor for certain officers to wilfully fail to discharge their duties, is hereby amended by inserting in the first sentence after the words "justice of the peace," and before the words "county commissioner," the words "recorders, prosecuting attorney of any recorder's court," it being the intent and purpose of this Act to make Section four thousand three hundred and eighty-four of the Consolidated Statutes applicable to recorders and prosecuting attorneys of recorder's courts.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 354

CHAPTER 348

AN ACT TO PROVIDE FOR THE CANCELLATION OF TERMS OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

Governor authorized to cancel terms of Superior Court.

SECTION 1. The Governor is hereby authorized and empowered, upon a finding by him that any term of Superior Court for any of the counties of the State are not necessary due to the lack of sufficient official business to be transacted, to cancel any term of Superior Court scheduled to be held in any of the counties of the State: Provided, that any term of Superior Court canceled hereunder shall be canceled at least ten days prior to the time for the convening of said court.

Time of cancellation.

Judge available for assignment elsewhere.

SEC. 2. That upon the cancellation of any term of Superior Court the judge scheduled to hold said term of court shall be available for assignment by the Governor to hold Superior Court in any other county in the State.

SEC. 3. Cancellation not to affect subsequent terms. The cancellation of any term of court by the Governor, as provided in this Act, shall dispense with the holding of the term of court during the year for which it is canceled, but it shall not affect the terms of court provided by law for the county during succeeding years.

Cancellation not to affect terms of Court for succeeding years.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 377

CHAPTER 349

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND NINETY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND EXEMPTING MACON COUNTY FROM THE STATE-WIDE PRIMARY LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and ninety of the Public Laws of one thousand nine hundred and thirty-one, be, and the same is hereby repealed, it being the purpose and intent of this Act to place Macon County among the counties exempted from the Primary Law by Section six thousand and fifty-four of the Consolidated Statutes; thus, providing for the nomination of county officers including the nomination of the members of the County Board of Education of Macon County in a county convention.

Ch. 190, Public Laws, 1931, repealed.

Purpose of Act.

SEC. 1 (a). That Chapter three hundred and twenty-five of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby, repealed. It is the purpose and intent of this Act to place Graham County among the counties exempted from the Primary Law by Section six thousand and fifty-four of the Consolidated Statutes in order that the nomination of county officers, including members of the County Board of Education in Graham County, shall be made in a county convention.

Ch. 325, Public Laws, 1941, repealed.

Purpose of Act.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 394

## CHAPTER 350

AN ACT TO AMEND SECTION ONE THOUSAND FIVE HUNDRED AND SIXTY-SEVEN OF THE CONSOLIDATED STATUTES TO PROVIDE THAT THE RECORDER'S COURT OF FRANKLIN COUNTY SHALL NOT ASSUME JURISDICTION OF CRIMINAL CASES WITHIN THE ORIGINAL JURISDICTION OF JUSTICES OF THE PEACE UNTIL THE EXPIRATION OF SIX MONTHS AFTER THE COMMISSION OF SUCH CRIMES.

*The General Assembly of North Carolina do enact:*

C. S. 1567  
amended.

SECTION 1. Section one thousand five hundred and sixty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by adding at the end of said section a new sentence as follows:

Jurisdiction of  
Recorder's Court  
of Franklin  
County over  
certain criminal  
cases.

"The Recorder's Court of Franklin County shall not have jurisdiction of criminal cases within the original jurisdiction of a justice of the peace, and shall not try such cases until the expiration of a period of six months following the commission of such offenses."

Application of  
Act.

SEC. 2. This Act shall apply only to Franklin County.

Conflicting  
laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 399

## CHAPTER 351

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FIFTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED, THE SAME BEING ENTITLED "AN ACT TO ESTABLISH A MUNICIPAL COURT FOR THE CITY OF GREENSBORO AND PRESCRIBE THE JURISDICTION THEREOF."

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 651,  
Public Laws,  
1909, rewritten.

SECTION 1. That Section four of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, be and the same is hereby repealed and a new Section four is hereby substituted and enacted in lieu thereof:

Sessions of  
Municipal Court  
of City of Greens-  
boro.  
Place of meeting.

"SEC. 4. The court shall hold daily sessions, Sundays and holidays as fixed by city ordinance excepted; said daily sessions to be held in the City Hall of the City of Greensboro, or such

other place as may be designated by resolution of the city council or the judge presiding over said court.

“In the criminal division of said court, each week shall constitute a separate term of court. Such term shall begin upon the opening of court on Monday or the first court day following Monday of each week and shall adjourn sine die at midnight of the following Saturday.

Terms of court  
in criminal  
division.

“There shall be no jury trials in the criminal division of said court. If a defendant charged with a crime within the jurisdiction of said court shall demand a jury trial in person or through counsel the judge of said court shall transfer the case to the Superior Court of Guilford County and witnesses for the State shall be recognized to appear before the grand jury at the next ensuing term of Superior Court. The defendant shall give bond for appearance in the Superior Court in the same manner provided in case of appeal to the Superior Court. Appeal from a judgment rendered during a term of court shall not be entered after the adjournment of such term.”

No jury trial  
in criminal  
division.

Upon demand  
for jury trial,  
case transferred  
to Superior Court.

Defendant to  
give bond.

SEC. 2. That Section forty-seven of Chapter six hundred and fifty-one, Public Laws of one thousand nine hundred and nine, as amended, be and the same is hereby further amended by adding the following provisions at the end of said Section forty-seven, to-wit:

Sec. 47, Ch. 651,  
Public Laws,  
1909, amended.

“Provided, further, that the provisions of Section one hundred and fifty-seven, Chapter one hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, shall not apply to the civil division of the Greensboro Municipal-County Court: Provided, further, that the Clerk of the Greensboro Municipal-County Court, the City of Greensboro, its officers or employees, shall not be liable for any sum provided for by Section one hundred and fifty-seven, Chapter one hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, not collected on suits heretofore instituted in the civil division of said Greensboro Municipal-County Court.”

Sec. 157, Ch. 158,  
Public Laws,  
1939, not appli-  
cable to civil  
division of  
Greensboro  
Municipal-County  
Court.

No liability for  
sums not col-  
lected on suits  
heretofore insti-  
tuted in civil  
division of said  
court.

SEC. 3. That this Act shall apply only to the County of Guilford.

Application of  
Act.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 402

## CHAPTER 352

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SIXTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED, SO AS TO PROVIDE FOR THE REMOVAL OF JUDGES AND SOLICITORS AND FILLING VACANCIES IN THE SEVERAL RECORDERS' COURTS OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Application of Ch. 761, Public-Local Laws, 1913, to judges and solicitors of Recorder's Court in Robeson County.

SECTION 1. That except as herein otherwise provided, Chapter seven hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirteen, as amended by Chapter two hundred and eighty-eight of the Public Laws of one thousand nine hundred and nineteen shall apply to the office of judge of the several recorders' courts in Robeson County and the solicitors thereof.

Petition for removal to be served on respondents.

SEC. 2. That the petition for removal as provided in Chapter seven hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirteen, together with the summons, shall be served on the respondents in said proceeding and the respondents shall have thirty days in which to plead thereto, but the judge of the superior court shall have the power to suspend the accused from office and the judge may fill such temporary vacancy upon a hearing in said proceeding, to be had at any time after a service of the petition and summons on the accused, upon ten days notice of such hearing.

Judges of Superior Court may suspend accused and fill temporary vacancy. Ten days notice.

SEC. 3. That if the accused upon the final hearing shall be removed from his said office, then such vacancy shall be filled by the County Commissioners of Robeson County, and such appointee as they shall make to fill said vacancy shall hold said office and receive the emoluments thereof until the next general election.

Vacancies.

Application of Act.

SEC. 4. That this Act shall apply only to Robeson County.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 403

## CHAPTER 353

AN ACT TO PROVIDE FOR THE REMOVAL OF CAUSES FROM ONE RECORDER'S COURT TO ANOTHER IN ROBESON COUNTY AND FOR THE APPOINTMENT OF ASSISTANT RECORDERS AND ASSISTANT SOLICITORS OF SAID COURTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever it shall appear by motion of either party to a criminal action pending in any recorder's court of Robeson County, either before or at the time of trial, or from the evidence that shall be presented at said trial, that the crime charged, if committed at all, was committed in another recorder's district of said county, then it shall be the duty of such recorder to remove the same to the district in which the said crime was committed, if at all, and the said removal may be effected by the said recorder by sending the original papers to the recorder of such district to which said cause is removed, with the proper notation on his docket showing the removal thereof.

Removal of causes in recorder's courts of Robeson County.

SEC. 2. That within thirty days of the qualification of the several recorders and solicitors of the Robeson County Recorders' Courts, each of such officers shall appoint an assistant, who shall take the same oath of office as these officials and shall fill the office as recorder or solicitor at the request or in the absence of any such recorder or solicitor and, while so serving, shall have full powers of the office. In the event, any such recorder or solicitor shall fail to make such appointment within the time fixed herein, then the Board of Commissioners of Robeson County shall make the appointment. For his services as such assistant recorder or solicitor, each appointee shall be paid the proportionate part of the salary of such official for the time he serves. The appointment of such assistant recorders and solicitors shall be made in writing and a copy shall be filed in the minutes of the court and in the office of the Clerk of the Superior Court of Robeson County.

Appointment of assistant recorders and solicitors of Robeson County recorders' courts.

Oath of office.

Powers.

Compensation.

Appointment in writing.

Copies filed in minutes of court and in office of C. S. C.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 414

CHAPTER 354

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AS AMENDED BY CHAPTER FIFTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER TWO HUNDRED AND THIRTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO THE PRACTICE OF COSMETIC ART IN THE STATE OF NORTH CAROLINA SO AS TO BRING THE FUNDS COLLECTED AND THE EXPENDITURE OF SUCH FUNDS UNDER THE PROVISIONS OF THE STATE BUDGET ACT AND UNDER THE SUPERVISION OF THE DIRECTOR OF THE BUDGET.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section fourteen of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three be, and the same is hereby amended by striking out all of said section, and inserting in lieu thereof the following:

“SEC. 14. The Board of Cosmetic Art Examiners shall maintain a suitable office in Raleigh, North Carolina, and shall adopt and use a common seal for the authentication of its orders and records. Said board shall elect its own officers and in addition thereto shall elect a full time secretary, which secretary shall receive an annual salary not to exceed one thousand and eight hundred dollars (\$1,800.00). The secretary shall keep and preserve all the records of the board, issue all necessary notices and perform such other duties, clerical and otherwise, as may be imposed upon such secretary by said Board of Cosmetic Art Examiners. The secretary is hereby authorized and empowered to collect in the name and on behalf of said board the fees prescribed by this Act and shall turn over to the State Treasurer all funds collected or received under this Act, which fund shall be credited to the Board of Cosmetic Art Examiners, and said funds shall be held and expended under the supervision of the Director of the Budget of the State of North Carolina exclusively for the administration and enforcement of the provisions of this Act. The said secretary, shall, before entering upon the duties of the office, execute a satisfactory bond with a duly licensed surety or other surety approved by the Director of the Budget, said bond to be in the penal sum of not less than ten thousand dollars (\$10,000.00), and conditioned upon the faithful performance of the duties of the office and the true and correct accounting of all funds received by such

Sec. 14, Ch. 179, Public Laws, 1933, rewritten.

Board of Cosmetics Art Examiners to maintain office in Raleigh.

Common seal.

Board to elect officers.

Full time secretary.

Salary.

Duties.

Secretary to collect fees.

Funds collected to be turned over to State Treasurer.

Expended under supervision of Director of Budget.

Purposes of expenditures.

Secretary to give bond.

Amount.

secretary by virtue of such office. That nothing in this Act shall be construed to authorize any expenditure in excess of the amount available from time to time in the hands of the State Treasurer, derived from fees and fines collected under the provisions of this Act and received by the State Treasurer in the manner aforesaid."

SEC. 2. That Section fifteen of Chapter one hundred and seventy-nine of the Public Laws of one thousand nine hundred and thirty-three, as amended by Section two of Chapter fifty-four of the Public Laws of one thousand nine hundred and thirty-five, and as amended by Section two of Chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out all of said section, and inserting in lieu thereof the following:

"SEC. 15. That each member of the Board of Cosmetic Art Examiners shall receive for such services an annual salary in an amount to be fixed by the Director of the Budget, and shall be reimbursed for actual necessary expenses incurred in the discharge of such duties, not to exceed five dollars (\$5.00) per day for subsistence, plus the actual travelling expenses, or an allowance of five cents (5¢) per mile where such member uses his or her personally owned automobile.

"Said board, with the approval of the Director of the Budget, shall appoint necessary inspectors who shall be experienced in all branches of cosmetic art. The salaries for such inspectors shall be fixed by the board with the approval of the Director of the Budget of the State of North Carolina. The inspectors or agents so appointed shall perform such duties as may be prescribed by the board. Any inspector appointed under authority of this section or any member of the board shall have the authority at all reasonable hours to examine cosmetic art shops, beauty parlors, hair dressing establishments, cosmetic art schools, colleges, academies or training schools with respect to and in compliance with the provisions of this chapter. The inspectors and agents appointed under authority of this chapter shall make such reports to the Board of Cosmetic Art Examiners as said board may require. The said board shall on, or before June first of each year, submit a budget to the Director of the Budget for the ensuing fiscal year, which shall begin July first of each year. The said budget so submitted shall include all estimated receipts and expenditures for the ensuing fiscal year including the estimated compensation and expenses of board members. The said budget shall be subject to the approval of the Director of the Budget and no expenditures shall be made unless the same shall have been set up in the budget adopted by the Board of Cosmetic Art Examiners, and approved by the Director of the Budget of the State of North Carolina;

Expenditures in excess of funds collected not authorized by this Act.

Sec. 15, Ch. 179, Public Laws, 1933, rewritten.

Compensation of members of Board.

Reimbursemnt for actual necessary expenses.

Inspectors to be appointed.

Salaries of inspectors.

Duties.

Powers.

Reports.

Board to submit budget to Director of Budget.

Contents of budget.

Subject to approval of Director of Budget.

No expenditures to be made unless set up in budget.

Salary and expenses to be paid upon State warrants.

that all salaries and expenses in connection with the administration of this Act shall be paid upon a warrant drawn on the State Treasurer, said warrants to be drawn by the secretary of the board and approved by the State Auditor.

Provisions of Executive Budget Act and Personnel Act applicable to this Act.

“That the provisions of the Executive Budget Act and the Personnel Act shall fully apply to the administration of this Act.

Annual audit by State Auditor.

“There shall be annually made by the Auditor of the State of North Carolina a full audit and examination of the receipts and disbursements of the State Board of Cosmetic Art Examiners. The state board shall report annually to the Governor a full statement of receipts and disbursements and also a full statement of its work during the year.”

Annual report to Governor.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-three.

Ratified this the 1st day of March, 1943.

## H. B. 416

## CHAPTER 355

### AN ACT TO AUTHORIZE THE ALLOCATION OF FUNDS FROM THE CONTINGENCY AND EMERGENCY FUND TO THE STATE PLANNING BOARD.

*The General Assembly of North Carolina do enact:*

Allocation of funds from Contingency and Emergency Fund for State Planning Board.

SECTION 1. The Governor and the Council of State are hereby authorized to allocate from the Contingency and Emergency Fund to the State Planning Board, provided for under the provisions of Chapter three hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-seven, funds in such amount and at such time or times as they may find actually necessary for the reasonable fulfillment of the functions of such board within the provision of the statute creating the board.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 425

## CHAPTER 356

AN ACT TO PROHIBIT THE KILLING OF RED FOXES  
IN ALLEGHANY COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful to kill red foxes in Alleghany County at any time of the year on or before January first, one thousand nine hundred and forty-seven.

Unlawful to kill red foxes in Alleghany County.

SEC. 2. Anyone violating Section one of this Act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Violation made misdemeanor.

SEC. 3. It shall be lawful to trap, take, or kill gray foxes in Alleghany County at any time of the year; and the Commissioners of Alleghany County shall, beginning March first, one thousand nine hundred and forty-three, pay a bounty of two dollars for each gray fox scalp, on satisfactory proof that the fox was killed within the boundaries of Alleghany County.

Lawful to trap or kill gray foxes.

Bounty for gray fox scalps.

SEC. 4. Anyone making a false affidavit in the presentation of a claim for bounty, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars or imprisoned not more than five years.

Making of false affidavit in presenting claim misdemeanor.

Penalties.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after ratification.

Ratified this the 1st day of March, 1943.

H. B. 429

## CHAPTER 357

## AN ACT TO PREVENT THE SPREAD OF TUBERCULOSIS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any person having tuberculosis in the communicable form who, after being instructed by an agent of the county board of health as to precautions necessary to be taken to protect the members of such person's household or the community from becoming infected by tuberculosis communicated by such person, shall wilfully refuse to follow such instructions shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the Prison Department of the North Carolina Sanatorium for a period of sixty days for the first offense, and for a period of six months for any subsequent offense.

Certain acts of tubercular persons made misdemeanor.

Punishment for violation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 436

CHAPTER 358

AN ACT TO PROVIDE A HOG CHOLERA PREVENTION PROGRAM FOR PASQUOTANK COUNTY AND TO PERMIT THE SALE AND USE OF HOG CHOLERA VACCINE THEREFOR.

*The General Assembly of North Carolina do enact:*

Program for prevention of hog cholera authorized for Pasquotank County.

Vaccinator from each township.

Qualifications of vaccinators.

Revocation of appointment.

Permission to county agent and vaccinators to sell and use vaccine.

Refrigeration space for vaccine.

County agent to keep supply of vaccine on hand.

Vaccinations in in spring and fall.

SECTION 1. The Board of Commissioners of Pasquotank County is hereby authorized and empowered to institute a countywide program for the prevention of hog cholera. For the purposes of such program, it shall appoint from each township in Pasquotank County one suitable and qualified resident who has been recommended by the county agent to work as vaccinators under the supervision and direction of the county agent. To be qualified for appointment by the board of commissioners, such person must be trained and competent in all phases of hog cholera prevention. The board shall have authority to revoke for cause any appointment made under the authority of this Act.

The board shall grant to the county agent and the vaccinators so appointed permission in writing to distribute, sell, or use in Pasquotank County any vaccine, virus and serum for the prevention of hog cholera manufactured in conformity with the provisions of Section four thousand eight hundred and seventy-nine of the Consolidated Statutes, and it shall be lawful for them to so distribute, sell or use such vaccine, virus or serum. The board shall provide adequate refrigeration space near the county agent's office for a quantity of vaccine, virus, or serum sufficient for the purposes of this Act. The county agent shall purchase vaccine, virus, or serum at wholesale prices, keeping an adequate supply on hand at all times, and shall distribute it to the vaccinators at cost plus ten cents (10¢) per one hundred cc. The ten cents (10¢) per one hundred cc. shall be used to defray the expenses of the hog cholera prevention program and if there is any excess, it shall be used to sponsor a better extension livestock program in Pasquotank County.

Once each spring and once each fall, the county agent shall designate a period during which the vaccinators appointed by the board of commissioners shall vaccinate hogs throughout the county. At such time any grower may make application to the

county agent or to the vaccinator in his township, and have his hogs vaccinated upon the payment of a fee set by the county agent. Such fees must not be discriminatory, but shall allow the vaccinator a reasonable profit. At any time other than the regular periods, any grower may make application to the county agent or the vaccinator in his township and have his hogs vaccinated, but must pay a fee determined by the county agent plus five cents (5¢) a mile for traveling expenses of the vaccinator. All hogs vaccinated must be kept isolated in lots or pens for twenty-one days from the date of vaccination.

Fee for vaccination.

Vaccinations at other than regular periods.

Isolation after vaccination.

Each vaccinator shall keep a record of the amount of vaccine, virus, or serum purchased from the county agent, the number of hogs vaccinated, and the fees collected. Quarterly, he shall file a report thereof with the county agent, who shall keep such reports on permanent file in his office. The county agent shall keep a record of the amount of vaccine, virus, or serum purchased, the amount distributed to the vaccinators, and the amount on hand. On the first Monday of each December he shall make a report to the board of commissioners in which he shall incorporate the data on record in his office concerning the hog cholera prevention program. Such report shall be spread upon the minutes of the board.

Records to be kept by vaccinators.

Reports to County agent.

Records and reports of County agent.

SEC. 2. In so far as they are in conflict with this Act, Sections four thousand four hundred and ninety-two, four thousand eight hundred and seventy-nine of the Consolidated Statutes of one thousand nine hundred and nineteen, and Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and thirty-nine, shall not apply to any person in Pasquotank County distributing, selling, or using vaccine, virus, or serum for the prevention of hog cholera by authority of this Act.

Limitations of applicability of C. S. 4492, C. S. 4879, and Ch. 360, Public Laws, 1939.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 439

## CHAPTER 359

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO ADJUST ALL DELINQUENT TAXES FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AND ALL PRIOR YEARS.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of Anson County authorized to settle certain delinquent taxes.

SECTION 1. The Board of Commissioners of Anson County is hereby authorized and empowered to adjust, remit, compromise, or otherwise settle delinquent taxes for the year one thousand nine hundred and thirty-five and all prior years, regardless of whether an action at law has been instituted to foreclose tax sales certificate.

Settlements heretofore made as to certain taxes validated.

SEC. 2. All acts of the Board of Commissioners of Anson County done heretofore in adjusting, settling and collecting taxes for the year one thousand nine hundred and thirty-five and all prior years are hereby approved and validated.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 443

## CHAPTER 360

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE TO ALLOW MILEAGE TO THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 9, Ch. 453, Public-Local Laws, 1931, amended.

SECTION 1. That Section nine of Chapter four hundred and fifty-three of the Public-Local Laws of one thousand nine hundred and thirty-one be, and the same is hereby amended by adding to the end of said section the following:

Chairman of Board of Commissioners of Sampson County allowed mileage.

“That the chairman of the board of commissioners shall be allowed mileage at the rate of five cents per mile while in attendance upon his official duties.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 444

CHAPTER 361

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN TO INCREASE THE PAY OF THE COUNTY COMMISSIONERS OF SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and seventy-nine of the Public-Local Laws of one thousand nine hundred and thirteen be, and the same is hereby amended by striking out the words "three dollars" in line two, and inserting in lieu thereof the words "seven dollars and fifty cents."

Sec. 1, Ch. 279, Public-Local Laws, 1913, amended to increase pay of County Commissioners of Sampson County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 445

CHAPTER 362

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO CLERK HIRE FOR REGISTER OF DEEDS OF SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter two hundred and ninety, Public-Local Laws of one thousand nine hundred and thirty-five, be and the same is hereby amended by adding at the end of said section the following:

Sec. 2, Ch. 290, Public-Local Laws, 1935, amended.

"The Board of County Commissioners of Sampson County is authorized and empowered, in its discretion, to allow said register of deeds an additional sum, not to exceed five hundred dollars annually, for clerk hire, and out of said salary and allowance for clerk hire, the register of deeds shall provide and pay the compensation of sufficient clerical assistance for the prompt and efficient discharge of all duties required of said office."

Board of County Commissioners of Sampson County authorized to allow Register of Deeds additional sum for clerk hire.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 447

## CHAPTER 363

## AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF NORTHAMPTON COUNTY LIBRARY.

*The General Assembly of North Carolina do enact:*

Special tax for operation of Northampton County Library authorized.

SECTION 1. The Board of County Commissioners of Northampton County is hereby authorized to levy annually on all taxable property in said county a special tax on all taxable property not to exceed one cent on the one hundred dollars of valuation for the special purpose of maintaining and operating the Northampton County Library.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 457

## CHAPTER 364

## AN ACT TO PLACE THE REGISTER OF DEEDS OF MITCHELL COUNTY ON A FEE BASIS AND TO PRESCRIBE SAID FEES.

*The General Assembly of North Carolina do enact:*

Compensation of Register of Deeds of Mitchell County.

SECTION 1. That, from and after the first day of February, one thousand nine hundred and forty-three, the Register of Deeds of Mitchell County shall receive as his sole compensation, in lieu of all other compensation, the following fees:

(a). Such registration fees as are named and designated to be charged and collected by the register of deeds, under the general laws of the State.

(b). One dollar (\$1.00) for the first three hundred words and twenty cents (20¢) for each additional hundred words thereafter.

(c). The sum of five dollars (\$5.00) per day for each and every day required as ex officio clerk to the board of county commissioners.

(d). The sum of twenty cents (20¢) for each and every warrant check and rebate claim that is drawn and recorded upon the minutes.

(e). The sum of five dollars (\$5.00) for each and every official report filed with the board of county commissioners to be recorded; and also the sum of five dollars (\$5.00) for each and every official bond filed and recorded.

(f). The sum of twenty cents (20¢) for each and every name drawn as juror, and the sum of fifteen cents (15¢) for each and every name recorded on the minute book of the board of county commissioners.

(g). The sum of five cents (5¢) for each and every name drawn by the board of county commissioners as jurors in revising the jury box.

(h). The sum of twenty cents (20¢) for indexing each and every death and birth that occurs in Mitchell County, and the sum of twenty cents (20¢) for indexing each and every marriage license issued by the register of deeds of said county.

(i). The sum of two dollars (\$2.00) for each and every marriage license issued by the register of deeds.

(j). The sum of one dollar and fifty cents (\$1.50) for each and every resolution drawn by the board of county commissioners and recorded in the minute book.

(k). The sum of ten cents (10¢) for each and every deed, deed of trust, and mortgage that is transcribed on the general index book.

(l). The sum of twenty cents (20¢) for each and every name of transfer of real estate furnished to the county accountant on special prepared blanks or book furnished to the register of deeds by the county.

SEC. 2. That all fees, payment for which is not otherwise provided by law, shall be paid by the Board of County Commissioners of Mitchell County monthly out of the general fund of said county upon the presentation of an itemized statement of said fees by the register of deeds, and after said statement shall have been examined and approved by said board of county commissioners.

Certain fees to be paid by Board of County Commissioners.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after February first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 1st day of March, 1943.

H. B. 503

CHAPTER 365

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, PROVIDING A CLOSED SEASON FOR HUNTING FOXES IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 159, Public-Local Laws, 1935, rewritten.

SECTION 1. That Section one of Chapter one hundred and fifty-nine of the Public-Local Laws of one thousand nine hundred and thirty-five be stricken out and the following substituted in lieu therefor:

Closed season on foxes in Montgomery County.

“SECTION 1. That it shall be unlawful to hunt for or kill foxes in Montgomery County from March fifteenth to August first.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 531

CHAPTER 366

AN ACT TO PROVIDE FOR A MAXIMUM TAX RATE OF SIXTY CENTS ON THE HUNDRED DOLLARS IN THE TOWN OF KELFORD AND TO VALIDATE TAX RATES HERETOFORE LEVIED.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of Town of Kelford to fix tax rate. Maximum rate.

SECTION 1. The Board of Commissioners of the Town of Kelford shall fix the ad valorem property tax rate of the Town of Kelford in its discretion not to exceed sixty cents on one hundred dollars assessed valuation.

Certain tax rate of prior years valid.

SEC. 2. Wherever the Board of Commissioners of the Town of Kelford have in prior years levied a tax rate not exceeding fifty cents on one hundred dollars assessed valuation, the same is hereby declared to be valid in all respects.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 533

## CHAPTER 367

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE REMOVAL OF CASES FROM THE HIGH POINT MUNICIPAL COURT TO THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Subsection (a) of Section five of Chapter six hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven by adding at the end of said Subsection (a) the following:

Sec. 5, Ch. 699,  
Public-Local  
Laws, 1927,  
amended.

“Provided, that in all civil actions instituted by or on behalf of the City of High Point in the Municipal Court of High Point, upon motion of any defendant in such action, the said action shall be moved to the Superior Court of Guilford County, and upon such motion the judge of said court or the clerk thereof is hereby authorized, empowered and directed to transfer said case, together with all of the pleadings and records relating thereto to the office of the Clerk of the Superior Court of Guilford County, who shall docket the same as if said case was originally instituted in said court.”

Removal of  
actions institu-  
ted by City of  
High Point from  
Municipal Court  
of High Point  
to Superior Court.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 538

## CHAPTER 368

AN ACT TO REDUCE THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS OF BRUNSWICK COUNTY FROM FOUR TO TWO YEARS AND TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the members of the Board of County Commissioners of Brunswick County now holding office shall serve in that capacity until the first Monday in December one thousand nine hundred and forty-six, or until their successors are elected and qualified.

Term of present  
County Commis-  
sioners of Brun-  
swick County.

Commissioners to be elected in 1946 and biennially thereafter.

SEC. 2. That at the general election to be held in the year one thousand nine hundred and forty-six, and biennially thereafter, there shall be elected in Brunswick County by the qualified voters thereof, a board of county commissioners consisting of three members who shall serve for a term of two years from the first Monday in December after their election, or until their successors are elected and qualified.

Ch. 386, Public-Local Laws, 1939, repealed.

SEC. 3. That Chapter three hundred and eighty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby repealed.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 539

## CHAPTER 369

### AN ACT TO FACILITATE THE DISPOSITION AND SALE OF PROPERTY ACQUIRED BY PASQUOTANK COUNTY AND THE CITY OF ELIZABETH CITY AT TAX FORECLOSURE SALES.

Preamble:  
Property acquired by Pasquotank County and City of Elizabeth City.

WHEREAS, Pasquotank County and the City of Elizabeth City have heretofore become the owners of certain properties located in Pasquotank County by virtue of tax foreclosure proceedings; and

County owns certain lands upon which City has lien for taxes.

WHEREAS, in many instances, Pasquotank County has become the owner of various tracts, lots, and parcels of land, upon some of which the City of Elizabeth City has a lien or judgment for city taxes due said municipality; and

Amount of taxes exceeds value of property in some instances.

WHEREAS, in many instances, the amount of taxes which are a lien against said properties far exceeds the market value thereof and said properties cannot be sold for the amount of taxes, interest, and costs charged against same; and

Advantageous to County and City for said properties to be sold for market value.

WHEREAS, it is to the interest and best advantage of both the county and city that said properties be sold for their market value in order that the funds received therefrom may be paid into each taxing unit and the property again entered upon the tax lists for taxation: Now, therefore,

*The General Assembly of North Carolina do enact:*

Pasquotank County and City of Elizabeth City granted authority to sell properties purchased at tax foreclosure sales.

SECTION 1. That authority is hereby granted to Pasquotank County and the City of Elizabeth City to sell for its true market value, as determined by the Board of Commissioners of Pasquotank County or the City of Elizabeth City, as their

interest may appear, the said properties, which have been purchased by either or both at tax foreclosure sales, at private sale to such purchasers as may desire to buy and the board of county commissioners, acting by and through its chairman and clerk, and the City of Elizabeth City, by its mayor and city clerk, are authorized to execute conveyances for the said properties, without warranty of title, and without liability upon either Pasquotank County or the City of Elizabeth City for any defects or imperfections in the titles, and the proceeds of such sale, after the deduction of the expenses thereof, are to be paid to Pasquotank County and the City of Elizabeth City according to the proportion of the claims for taxes and costs held by said county and city against the said property or properties.

Private sale.

Authority to execute conveyances.

Without warranty.

Proceeds of sale to County and City according to proportion of claims.

SEC. 2. Upon the completion of said sales and the delivery of a deed or deeds to the purchasers, the property or properties shall then be listed for taxation in the names of the purchasers or purchasers according to law.

Purchasers to list property for taxes.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 552                      CHAPTER 370

AN ACT VALIDATING A NEW INDEX AND CROSS INDEX SYSTEM FOR REAL ESTATE RECORDS FROM ONE THOUSAND SEVEN HUNDRED AND FORTY-SIX THROUGH ONE THOUSAND NINE HUNDRED AND THIRTY-NINE IN THE OFFICE OF THE REGISTER OF DEEDS FOR JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the twelve volumes of the grantor index and the twelve volumes of the grantee or cross index, together forming a twenty-four volume new, typewritten, family index and cross index system which were prepared for Johnston County by direction of the board of county commissioners as a Works Projects Administration project, embracing the real estate conveyance, deeds, mortgages, liens, transfers and encumbrances which were filed for record during the years one thousand seven hundred and forty-six through one thousand nine hundred and thirty-nine, inclusive, are hereby ratified, confirmed and approved and the same shall be the official index and cross index for real estate conveyances for Johnston County for the said years in lieu of the several old, worn, handwritten

New index system of Johnston County embracing real estate conveyances, etc., approved and made official.

volumes of indexes and cross indexes for such conveyances covering said years and which were not made up on a family system.

Old index volumes to be kept on file by Register of Deeds.

SEC. 2. That the Register of Deeds for Johnston County, and his successors in office, shall keep the old index and cross index volumes on file in his office for the reference of such persons as may desire to use them.

Register of Deeds and sureties on bond not liable for errors in new index system.

SEC. 3. That the Register of Deeds of Johnston County, and his successors in office, their deputies, and the sureties on their several bonds, shall not be liable or answerable in damages for any errors in the new index and cross index system.

Register of Deeds, attorneys and others relying on new index system not liable for errors in system.

SEC. 4. That the Register of Deeds of Johnston County, and his successors in office, their deputies, the sureties on their bonds, and all attorneys at law, abstracting companies and other persons who may use the new index and cross index system and who shall make and issue their certificates of record and certificates and abstracts of title in reliance upon the said new index and cross index system, shall not be liable or answerable in damages for or by reason of any errors which may exist in the new index and cross index system.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws, general, special, public, local or private, in conflict with this Act, are hereby repealed.

SEC. 6. That this Act shall be in force and effect from its ratification.

Ratified this the 1st day of March, 1943.

## H. B. 558

## CHAPTER 371

AN ACT TO AMEND SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO EXEMPT NEW HANOVER COUNTY FROM CERTAIN OF THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

C. S. 1681 amended to exempt New Hanover County from certain provisions thereof.

SECTION 1. That Section one thousand six hundred and eighty-one of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end of said section the following: "Provided, the provisions of that portion of this section which follows the word 'collected' in line three shall not apply to New Hanover County."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 561

CHAPTER 372

AN ACT TO REMOVE RUTHERFORD COUNTY FROM THE PROVISIONS OF SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF VOLUME ONE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE PAYMENT OF DAMAGES BY DOGS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one thousand six hundred and eighty-one of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, is hereby further amended by adding at the end of said section the words "Rutherford County."

C. S. 1681 amended to exclude Rutherford County from the application thereof.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 571

CHAPTER 373

AN ACT TO PROHIBIT THE OPERATION OF MUSIC-VENDING MACHINES IN PUBLIC PLACES AND PUBLIC DANCE HALLS IN CALDWELL COUNTY DURING CERTAIN HOURS.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated in Caldwell County any machine playing records, or vending music, for a consideration, including those machines commonly referred to as nickelodeons, piccolos, and juke-boxes, between the hours of twelve-one a. m. on Sunday and seven a. m. on Monday, and between the hours of twelve-one a. m. and seven a. m. each week day.

Operation of certain music-vending machines in Caldwell County between certain hours unlawful.

SEC. 2. It shall be unlawful for any person, firm, or corporation to use, or permit to be used, for the purpose of public dancing, any room, quarters, or structure used in connection with the operation of a filling station, grocery store, or other

Permitting the use of certain public places in Caldwell County for public dancing between certain hours unlawful.

place of busines in Caldwell County, in which dancing is permitted, between the hours of twelve-one a. m. on Sunday and seven a. m. on Monday, and between the hours of twelve-one a. m. and seven a. m. each week day.

Violation made misdemeanor ; penalties.

SEC. 3. Violation of any of the provisions of Sections one and two of this Act shall constitute a misdemeanor, punishable by fine or imprisonment in the discretion of the court.

Application of Act.

SEC. 4. This Act shall apply to Caldwell County only.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 586

#### CHAPTER 374

### AN ACT TO PROVIDE ADDITIONAL FUNDS FOR MAINTENANCE OF BUNCOMBE COUNTY LAW LIBRARY.

*The General Assembly of North Carolina do enact:*

Certain amounts to be paid to Buncombe County Law Library from costs collected in Police Court of City of Asheville.

SECTION 1. That from and after the ratification of this Act, there shall be paid to the Buncombe County Law Library, now maintained as an instrumentality of the county in and for the administration of the laws of the State, the sum of twenty-five cents out of and from the costs in each and every case tried and disposed of in and by the Police Court of the City of Asheville, if and when said costs are collected; said payment to be made on the first of each and every month; provided, however, if said costs by the judgment of the court are reduced as much as one half, then there shall be paid to the Buncombe County Law Library, if and when same are collected, the sum of fifteen cents in each and every case.

All laws relating to said Police Court amended to give effect to this Act.

SEC. 2. Any and all Public, Public-Local and/or Private Laws heretofore enacted by the General Assembly relating to costs in the Police Court of the City of Asheville, are hereby amended so as to give full force and effect to the provisions of Section one of this Act.

Certified copy of this Act to be furnished Police Court.

SEC. 3. This Act shall be in full force and effect from and after its ratification, and a certified copy thereof shall be furnished the Police Court of the City of Asheville.

Ratified this the 1st day of March, 1943.

H. B. 616

## CHAPTER 375

AN ACT TO AMEND CHAPTER EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, BEING AN ACT PROVIDING FOR A PEACE OFFICERS' RELIEF FUND FOR THE CITY OF SALISBURY AND ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That line two, Section five, of Chapter eight, of the Public-Local Laws of one thousand nine hundred and thirty-one is hereby amended by adding after the words "Rowan County," and before the word "the," the following: "The Clerk of the Superior Court of Rowan County."

Sec. 5, Ch. 8, Public-Local Laws, 1931, relating to Peace Officers' Relief Fund for City of Salisbury and Rowan County, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect after its ratification.

Ratified this the 1st day of March, 1943.

H. B. 649

## CHAPTER 376

AN ACT TO FIX CERTAIN TERMS OF COURT IN CAMDEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and eighty-three of the Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by striking out in said Section one the following:

Sec. 1, Ch. 283, Public Laws, 1937, fixing terms of Court in Camden County, amended.

"Camden-first Monday after the first Monday in March and the fourth Monday after the fourth Monday in September," and substituting in lieu thereof the following:

"Camden-first Monday after the first Monday in March and the last Monday in August."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

## S. B. 38

## CHAPTER 377

AN ACT TO AMEND CHAPTER ONE OF THE PUBLIC LAWS OF THE EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW, AND ALL AMENDMENTS AND ADDITIONS THERETO.

*The General Assembly of North Carolina do enact:*

Sec. 3 (b), Ch. 1,  
Public Laws,  
Extra Session,  
1936, amended.

SECTION 1. That Section three, Subsection (b) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Chapter twenty-seven, Section one, of the Public Laws of one thousand nine hundred and thirty-nine and Chapter one hundred and eight, Section one, of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by deleting all of said section, as amended, except the paragraph designated as "(b) (1)," the same being the paragraph and table added by the one thousand nine hundred and forty-one amendment, and that such retained portion be designated as "(b)" instead of "(b) (1)." That said section be further amended by striking out the word "payable" as it appears in the fifth line from the end of the paragraph preceding the table in said one thousand nine hundred and forty-one amendment after the words "only the wages" and before the words "to such individual" and inserting in lieu thereof the word "paid."

Sec. 3 (d) repealed.

SEC. 2. That Section three, Subsection (d), Paragraphs (1) and (2) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, be and the same are hereby repealed, and Subsections "(e)" and "(f)" be renumbered "(d)" and "(e)" respectively.

Sec. 3 (e)  
rewritten.

SEC. 3. That Section three, Subsection (e), renumbered "(d)" under the provisions of the preceding section, of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, is hereby amended by rewriting the same to read as follows:

Duration of  
benefits.

"(d) Duration of benefits. The maximum benefits payable to any eligible individual whose benefit year begins after February fifteenth, one thousand nine hundred and thirty-nine, shall be sixteen times his weekly benefit amount during any benefit year. After February fifteenth, one thousand nine hundred and thirty-nine, the commission shall maintain accounts for each individual who earns wages in such manner and form as the commission may prescribe as being adequate to administer the provisions of this Act."

Unemployment  
Compensation  
Commission to  
maintain account  
for each wage-  
earner.

Sec. 3 (f)  
amended.

SEC. 4. That Section three of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Chapter two hundred and seventy-

six of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by rewriting Paragraphs (3) and (4) of Subsection (f) of said section (said Subsection "(f)" having been renumbered "(e)" under the provisions of Section two above) to read as follows:

"(3) The term 'trainee' as used in this subsection means an individual who entered military service after July first, one thousand nine hundred and forty, who continued in such service for not less than ninety consecutive days, and who files a claim within six months after the termination of his military service.

"Trainee" defined.

"(4) With respect to any trainee, the first benefit year following the termination of his military service, shall be the one-year period beginning with the first day of the first week following the date of such termination; and the second benefit year following the termination of his military service shall be the next one-year period beginning with the first day of the first week following the termination of such first benefit year."

First benefit year following termination of military service.

Second benefit year.

SEC. 5. That Section four, Subsection (c) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six is hereby amended by rewriting the same to read as follows:

Sec. 4(c) rewritten.

"(c) He is able to work, and is available for work: Provided, however, that no individual shall be considered able and available for work for any week during the three-month period immediately before the expected birth of a child to such individual, and for any week during the three-month period immediately following the birth of a child to such individual: Provided further, however, that no individual shall be considered available for work for any week, not to exceed two in any benefit year, in which the commission finds that his unemployment is due to a customary and well established vacation. This provision shall apply only if it is found by the commission that employment will be available to him at the end of such vacation."

Ability to work and availability for work.

Before and after childbirth.

Customary vacation.

Availability of work after vacation.

SEC. 6. That Section four, Subsection (d), Paragraphs (1), (2), (3) and (4) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 4(d) rewritten.

"(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of one week (and for the purposes of this subsection two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment. Such weeks of partial unemployment need not be consecutive). No week shall be counted as a week of total unemployment for the purposes of this subsection:

One week waiting period as eligibility condition for benefits.

“(1) If benefits have been paid with respect thereto;

“(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of Subsections (b) and (e) of this section;

“(3) Any individual whose benefit year begins on or after February fifteenth, one thousand nine hundred and thirty-nine, who has served one waiting period week within his benefit year, as provided in Subsection (d) hereof, shall not be required to accumulate any more waiting period weeks during his benefit year;

“(4) Unless it occurs after benefits first could become payable to any individual under this Act.”

Sec. 5 (a), Sec. 5 (b), and Sec. 5 (c) rewritten.

SEC. 7. That Section five, Subsections (a), (b) and (c) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, are hereby amended by rewriting the same to read as follows:

Period of disqualification for benefits for voluntary unemployment without good cause.

“(a) For not less than four, nor more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits (in addition to the waiting period) if it is determined by the commission that such individual is, at the time such claim is filed, unemployed because he left work voluntarily without good cause attributable to the employer, and the maximum benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

Reduction of benefits.

Period of disqualification for unemployment caused by misconduct.

“(b) For not less than five, nor more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits (in addition to the waiting period) if it is determined by the commission that such individual is, at the time such claim is filed, unemployed because he was discharged for misconduct connected with his work, and the maximum amount of benefits due said individual during his then current benefit year shall be reduced by an amount determined by multiplying the number of such consecutive weeks of unemployment by the weekly benefit amount.

Reduction of benefits.

Period of disqualification for refusal to apply for, or to accept suitable work, or to return to customary self-employment.

“(c) For not less than four, nor more than twelve consecutive weeks of unemployment, which occur within a benefit year, beginning with the first day of the first week after the disqualifying act occurs with respect to which week an individual files a claim for benefits (in addition to the waiting period) if it is determined by the commission that such individual has

failed without good cause (i) to apply for available suitable work when so directed by the employment office of the commission; or (ii) to accept suitable work when offered him; or (iii) to return to his customary self-employment (if any) when so directed by the commission.

“Provided, however, that no week or weeks of disqualification, as provided in Subsections (a), (b) and (c) of this section, may be canceled unless an individual shows to the satisfaction of the commission that he is not unemployed.

Cancellation of weeks of disqualification.

“(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

What constitutes suitable work.

“(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lock-out, or other labor dispute; (b) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.”

Certain work not suitable.

Vacancy due to strikes, etc.

Less favorable working conditions.

If required to join company union or resign from union.

SEC. 8. That Section five, Subsection (e) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 5(e) rewritten.

“(e) For any week with respect to which he is receiving or has received remuneration in the form of remuneration in lieu of notice: Provided, that if such remuneration is less than the benefits which would otherwise be due under this Act he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.”

Disqualification for benefits by receipt of remuneration in lieu of notice.

Where benefits exceed such remuneration, partial benefits allowed.

SEC. 9. That Section six, Subsection (b) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 6(b) rewritten.

“(b) Initial determination. A representative designated by the commission and hereinafter referred to as a deputy shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall

Initial determination of validity of claim, etc., by deputy.

May refer claim to appeal tribunal or commission.

Notice of decision of deputy to be given interested parties.

Decision final if not appealed.

Payment of benefits withheld during appeal.

If decision allowing benefits is affirmed on appeal, benefits to be paid regardless of further appeal, but not charged against employer's account if decision reversed.

Sec. 6(e) rewritten.

Review by commission.

Further appeal to be permitted where decision of appeal tribunal is not unanimous.

Transfer of proceedings to Commission or another tribunal.

Notice of decision to interested parties.

Sec. 7(a) amended.

commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal or to the commission, which shall make its determination with respect thereto in accordance with the procedure described in Subsection (c) of this section. The deputy shall promptly notify the claimant and any other interested party of his decision and the reason therefor. Unless the claimant or any such interested party, within five calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith, and for the purpose of this subsection, the commission shall be deemed an interested party: Provided, however, that any individual who files his claim outside of this State shall have eight calendar days from the date of mailing such notification to his last known address in which to perfect his appeal. If an appeal is duly filed, benefits with respect to the period prior to the final determination of the commission shall be paid only after such determination: Provided further, however, that if an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's reserve account shall be charged with benefits so paid and such payments shall be charged to the pooled account."

SEC. 10. That Section six, Subsection (e) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

"(e) Commission review. The commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it, or may provide for group hearings in such cases as the commission may deem expedient. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous. The commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the commission shall be heard by a quorum thereof in accordance with the requirements in Subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decision."

SEC. 11. That Section seven, Paragraph (1), Subsection (a) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Section

six of Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by rewriting said Paragraph (1) of Subsection (a) as follows:

“SEC. 7 (a) Payment. (1) On and after January first, one thousand nine hundred and thirty-six, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages for employment (as defined in Section nineteen (g)). Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted in whole or in part from the remuneration of individuals in his employ, provided that, on and after July first, one thousand nine hundred and forty-one, contributions shall be paid for each calendar quarter with respect to wages paid in such calendar quarter for employment after December thirty-first, one thousand nine hundred and forty. Contributions shall become due on and shall be paid on or before the last day of the month following the close of the calendar quarter in which such wages are paid and such contributions shall be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe, and shall not be deducted in whole or in part from the remuneration of individuals in his employ, provided, further, that if the commission shall be advised by its duly authorized officers or agents that the collection of any contribution under any provision of this Act will be jeopardized by delay, the commission shall, whether or not the time otherwise prescribed by law for making returns and paying such tax has expired, immediately assess such contributions (together with all interest and penalties, the assessment of which is provided for by law). Such contributions, penalties and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the commission for the payment thereof. Upon failure or refusal to pay such contributions, penalties, and interest, it shall be lawful to make collection thereof as provided by Section fourteen of the Unemployment Compensation Law and subsections thereunder and such collection shall be lawful without regard to the due date of contributions herein prescribed, provided, further, that nothing in this paragraph shall be construed as permitting any refund of contributions heretofore paid under the law and regulations in effect at the time such contributions were paid.”

Payment of contributions by employers.

Deductions from wages not allowed.

Quarterly payments.

Due date.

Assessment of contributions when collection jeopardized.

Such contributions payable on demand.

Collection enforced by legal procedure.

SEC. 12. That Section seven of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Section six of Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by rewriting

Sec. 7 (b) amended.

Clause (E) of Paragraph (4) of Subsection (b) of said section to read as follows:

Voluntary contributions.

“(E) Any employer may at any time make voluntary contributions, additional to the contributions required under this Act, to the fund to be credited to his reserve account and such voluntary contributions when made shall for all intents and purposes be deemed ‘contributions required’ as said term is used in Section nineteen (i) of this Act. The commission in accepting a voluntary contribution shall not be bound by any condition stipulated in or made a part of such voluntary contribution by any employer.”

Commission not bound by any conditions stipulated in voluntary contributions.

Sec. 7 (b) amended.

SEC. 13. That Section seven, Subsection (b) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Section six of Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by striking out the word “him” appearing after the words “available to” and before the words “at the time” in the seventh line of Clause (F) of Paragraph (4) of said Subsection (b), and inserting in lieu thereof the word “it.”

Sec. 7 (c) amended.

SEC. 14. That Section seven, Subsection (c), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Chapter twenty-seven, Section six, of the Public Laws of one thousand nine hundred and thirty-nine and Chapter one hundred and eight, Section eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by rewriting Paragraph (4) of said Subsection (c) of said Section seven to read as follows:

Regulations for maintenance of joint accounts.

“4. The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by one or more employers having the relationship of parent and subsidiary companies. Any employer who is or becomes subject to the provisions of this Act under the terms of Section nineteen (f), whose organization, trade or business, or substantially all the assets thereof are transferred by sale, lease or otherwise shall have the privilege of transferring to his successor or assignee the reserve account herein established for such employer except that the purchaser, lessee or assignee shall not be entitled to any credit as provided herein except where compensation has been payable from such account throughout one previous year, and that after such condition has been met the reserve account then meets all other conditions as prescribed hereinbefore. Notice of such transfers shall be given to the commission immediately. The commission may make regulations to govern such transfers of reserve accounts. In the event any employer subject to this Act ceases to be such an employer through the termination of coverage as provided in Section eight

Transfer of reserve account to transferee of business.

Limitation.

Regulations governing transfers.

Disposition of reserve account in certain instances.

of this Act, the reserve account standing to the credit of such employer shall immediately upon such termination of coverage revert to the partially pooled account established herein and the reserve account shall be closed. In the event any employer subject to this Act has not had any individuals in employment for a period of five consecutive years, the reserve account of such employer shall at the end of such five-year period revert to the partially pooled account established herein and the reserve account shall be closed."

SEC. 14½. That Subsection (e) of Section seven of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended by Chapter twenty-eight of the Public Laws of one thousand nine hundred and thirty-nine, and as further amended by Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby further amended by striking out the proviso at the end of the first sentence of said subsection and inserting the following in lieu thereof:

"Provided only that the employer tenders at the beginning of each season, and makes available during the season, employment equivalent to employment during the preceding seasonal period to each individual employed by him who earned as much as ten dollars (\$10.00) during the preceding seasonal period: Provided further, however, that this section shall not become effective until July first, one thousand nine hundred and forty-three."

SEC. 15. That Section ten, Subsection (c), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

"(c) Salaries. The Chairman of the Unemployment Compensation Commission of North Carolina, appointed by the Governor, shall be paid from the Unemployment Compensation Administration Fund a salary payable on a monthly basis, which salary shall be fixed by the Governor with the approval of the Council of State; and the members of the commission, other than the chairman, shall each receive ten dollars (\$10.00) per day including necessary time spent in traveling to and from their place of residence within the State to the place of meeting while engaged in the discharge of the duties of his office and his actual traveling expenses, the same to be paid from the aforesaid fund."

SEC. 16. That Section eleven, Subsection (a) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 7 (e) amended as to tender of employment to certain individuals by employers in seasonal industries.

Effective date of this section.

Sec. 10 (c) rewritten.

Salary of Chairman of U. C. C. fixed by Governor and Council of State.

Compensation of members of commission other than chairman.

Sec. 11 (a) rewritten.

Duties and powers of commission.

Meetings.

Organization and procedure.

Authority of Chairman when commission is not in session.

Biennial report to Governor.

Contents of report.

Sec. 11(c) rewritten.

Publication of certain information by commission.

"SEC. 11. (a) Duties and powers of commission. It shall be the duty of the commission to administer this Act. The commission shall meet at least once in each sixty days and may hold special meetings at any time at the call of the chairman or any three (3) members of the commission and the commission shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable in the administration of this Act. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the commission shall prescribe. The commission shall determine its own organization and methods of procedure in accordance with the provisions of this Act, and shall have an official seal which shall be judicially noticed. The chairman of said commission shall, except as otherwise provided by the commission, be vested with all authority of the commission, including the authority to conduct hearings and make decisions and determinations, when the commission is not in session and shall execute all orders, rules, and regulations established by said commission. Not later than November twentieth preceding the meeting of the General Assembly, the commission shall submit to the Governor, a report covering the administration and operation of this Act during the preceding biennium, and shall make such recommendation for amendments to this Act as the commission deems proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto."

SEC. 17. That Section eleven, Subsection (c), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, is hereby amended by rewriting the same to read as follows:

"(c) Publication. The commission shall cause to be printed for distribution to the public the text of this Act, the commission's regulations and general rules, its biennial reports to the Governor, and any other material the commission deems relevant and suitable, and shall furnish the same to any person upon application therefor."

SEC. 18. That Section eleven, Subsection (d), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

“(d) Personnel. Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments not to exceed six months in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may, in its discretion, bond any person handling moneys or signing checks hereunder.”

SEC. 19. That Section eleven, Subsection (e), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

“(e) Advisory councils. The Governor shall appoint a State Advisory Council and Local Advisory Councils, composed in each case of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and have such members representing the general public as the Governor may designate. Such councils shall aid the commission in formulating policies and discussing problems related to the administration of this Act, and in assuring impartiality and freedom from political influence in the solution of such problems. Such Local Advisory Councils shall serve without compensation, but shall be reimbursed for any necessary expenses. The State Advisory Council shall be paid ten dollars per day per each member attending actual sitting of such council, including necessary time spent in traveling to and from their place of residence within the State to the place of meeting, and mileage and subsistence as allowed to state officials.”

SEC. 20. That Section eleven, Subsection (g), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 11(d)  
rewritten.

Authority of  
commission as to  
appointment,  
compensation and  
duties of per-  
sonnel.

Merit examina-  
tions.

Appointments on  
basis of fitness.

Employment of  
officers, etc., of  
political parties  
prohibited.

Sec. 11(e)  
rewritten.

State and Local  
Advisory Councils.

How constituted.

Duties.

No compensation  
of Local Ad-  
visory Councils.

Reimbursement  
for necessary  
expenses.

Compensation  
of State Ad-  
visory Council.

Sec. 11(g)  
rewritten.

Records of employing units.

Open to inspection by Commission or its agents.

Commission may require reports.

Use of information in said reports by Commission, etc.

Penalties for violation of this section.

Reports, etc., to be privileged communications except as to administration of this Act.

“(g) Records and reports. Each employing unit shall keep true and accurate employment records, containing such information as the commission may prescribe. Such records shall be open to inspection and be subject to being copied by the commission or its authorized representatives at any reasonable time and as often as may be necessary. The commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commission deems necessary for the effective administration of this Act. Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit’s identity, but any claimant at a hearing before an appeal tribunal or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any individual may be supplied with information as to his potential benefit rights from such records. Any employee or member of the commission who violates any provision of this section shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00), or imprisoned for not longer than ninety days, or both. All reports, statements, information and communications of every character so made or given to the commission, its deputies, agents, examiners and employees, whether same be written, oral or in the form of testimony at any hearing, or whether obtained by the commission from the employing unit’s books and records shall be absolute privileged communications in any civil or criminal proceedings other than proceedings instituted pursuant to this Act and proceedings involving the administration of this Act: Provided, nothing herein contained shall operate to relieve any employing unit from disclosing any information required by this Act or as prescribed by the commission involving the administration of this Act.”

Sec. 11 (i) rewritten.

SEC. 21. That Section eleven, Subsection (i) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, is hereby amended by rewriting the same to read as follows:

Courts authorized to act in cases of contumacy or refusal to obey subpoenas.

“(i) Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission or its duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before a commissioner, the commission, or its duly authorized representative, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any

failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records in obedience to a subpoena of the commission, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense."

Failure to obey court order punishable as contempt.

Punishment for refusal to attend, testify, etc.

SEC. 22. That Section eleven, Subsection (k) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, be and the same is hereby further amended by adding a new paragraph at the end thereof, which said paragraph shall read as follows:

Sec. 11(k) amended.

"The commission is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this Act as it deems necessary or appropriate to facilitate the administration of any unemployment compensation or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this State by the agency charged with the administration of such other unemployment compensation or public employment service law."

Power of commission to cooperate, etc., with other unemployment compensation agency.

SEC. 23. That Section eleven, Subsection (1) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six is hereby amended by rewriting the same to read as follows:

Sec. 11(1) rewritten.

"(1) Reciprocal benefit arrangements. (1) The commission is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or of the Federal Government, or both, whereby:

Reciprocal arrangements with agencies of Federal or other State Governments.

"(A) Services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election by the employing unit, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which the services performed by such individual for such employing unit are deemed to be performed entirely within such state;

As to treatment of services performed in more than one state as being performed in one state.

Election by employing unit.

As to treatment of potential rights to benefits in one or more states as basis for payment through single agency.

“(B) Potential rights to benefits accumulated under the unemployment compensation laws of one or more states or under one or more such laws of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;

As to reciprocal treatment of wages.

“(C) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the Federal Government, shall be deemed to be wages for insured work for the purpose of determining his rights to benefits under this Act, and wages for insured work, on the basis of which an individual may become entitled to benefits under this Act shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the Federal Government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this Act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the commission finds will be fair and reasonable as to all affected interests; and

Arrangement must contain provisions for reimbursements to fund for benefits paid on basis of wages from another state, and vice versa.

Payment of contributions to another state as payment under this Act.

“(D) Contributions due under this Act with respect to wages for insured work shall for the purposes of Section fourteen of this Act be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or Federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursement to the fund of such contributions and the actual earnings thereon as the commission finds will be fair and reasonable as to all affected interests.

Arrangement to contain provision for reimbursement

Reimbursements.

“(2) Reimbursements paid from the fund pursuant to Clause (C), of Paragraph (1) of this subsection shall be deemed to be benefits for the purpose of Sections three, seven, and nine of this Act. The commission is authorized to make to other states or Federal agencies and to receive from such other state or Federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to Paragraph (1) of this subsection.

Arrangements as to facilities under this Act and facilities provided under unemployment compensation law of foreign government.

“(3) To the extent permissible under the laws and Constitution of the United States, the commission is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this Act and facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims

and the payment of benefits under the employment security law of this State or under a similar law of such government.”

SEC. 24. That Section fourteen, Subsection (a), of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 14(a)  
rewritten.

“SEC. 14. (a) Interest on past due contributions. Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall bear interest at the rate of one half of one per centum per month from and after such date until payment plus accrued interest is received by the commission. Interest collected pursuant to this subsection shall be paid into the Unemployment Compensation Fund. If any employer, in good faith, pays contributions to another state, prior to a determination of liability by this commission, which contributions were legally payable to this State, such contributions, when paid to this State, shall be deemed to have been paid by the due date under the law of this State if paid by the due date of such other state.”

Interest on past  
due contributions.

SEC. 25. That Section fourteen, Subsection (b) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six is hereby amended by rewriting the same to read as follows:

Sec. 14(b)  
rewritten.

“(b) Collection. If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the commission, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this Act and cases arising under the Workmen’s Compensation Law of this State; or, if any contribution imposed by this Act, or any portion thereof, and/or penalties duly provided for the nonpayment thereof shall not be paid within thirty days after the same become due and payable, and after due notice and reasonable opportunity for hearing, the commission under the hand of its chairman, may certify the same in duplicate and forward one copy thereof to the clerk of the Superior Court of the county in which the delinquent resides or has property, and additional copies for each county in which the commission has reason to believe such delinquent has property located, which copy so forwarded to the clerk of the Superior Court shall be immediately docketed by said clerk and indexed on the cross index of judgment, and from the date of such docketing shall constitute a preferred lien upon any property which said delinquent may own in said county, with the

Unpaid contributions collected  
by civil action.

Preference of  
such actions on  
calendar of court.

Amounts due as  
contributions un-  
paid for 30 days  
may be docketed  
in Superior Court  
as judgment.

Constitutes lien  
with force of  
judgment.

Execution.	<p>same force and effect as a judgment rendered by the Superior Court. The duplicate of said certificate shall be forwarded by the commission to the sheriff or sheriffs of such county or counties, or to a duly authorized agent of the commission, and in the hands of such sheriff or agent of the commission shall have all the force and effect of an execution issued to such sheriff or agent of the commission by the clerk of the Superior Court upon the judgment of the Superior Court duly docketed in said county. Provided, however, that notwithstanding any provision of this subsection, upon filing one written notice with the commission the sheriff of any county shall have the sole and exclusive right to serve all executions and make all collections mentioned in this subsection and in such case no agent of the commission shall have the authority to serve any executions or make any collections therein in such county. A return of such execution shall be made to the commission, together with all moneys collected thereunder, and when such order or execution is referred to the agent of the commission for service the said agent of the commission shall be vested with all the powers of the sheriff to the extent of serving such order or execution and levying or collecting thereunder. The agent of the commission to whom such order or execution is referred shall give a bond not to exceed two thousand dollars (\$2,000.00) approved by the commission for the faithful performance of such duties. The liability of said agent shall be in the same manner and to the same extent as is now imposed on sheriffs in the service of executions. If any sheriff of this State or any agent of the commission who is charged with the duty of serving executions shall wilfully fail, refuse, or neglect to execute any order directed to him by the said commission and within the time provided by law, the official bond of such sheriff or of such agent of the commission shall be liable for the contributions, penalty, interest, and costs due by the employer."</p>
Rights of sheriff exclusive in certain instances.	
Return of execution.	
Agent of commission authorized to levy execution.	
Agent to give bond.	
Liability of agent.	
Consequences of failure to serve execution.	
Sec. 14(d) rewritten.	<p>SEC. 26. That Section fourteen, Subsection (d) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:</p>
Refunds and adjustments provided for.	<p>"(d) Refund. If not later than three years from the last day of the period with respect to which a payment of any contributions or interest thereon was made, or one year from the date on which such payment was made, whichever shall be the later, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment</p>
Time of application by employer.	

thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative: Provided, that nothing in this section or in any other section of this Act shall be construed as permitting refund of moneys due and payable under the law and regulations in effect at the time such moneys were paid."

Refunds or adjustments on commission's initiative.

SEC. 27. That Section fourteen of Chapter one of the Public Laws of one thousand nine hundred and thirty-six, the Extra Session, as amended by Section ten of Chapter twenty-seven of the Public Laws of one thousand nine hundred and thirty-nine, and as amended by Section sixteen of Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, be and the same is hereby further amended by rewriting the last two sentences of Subsection (e) of said Section fourteen to read as follows:

Sec. 14(e) amended.

"No suit, action or proceeding for refund or to recover contributions or payroll taxes paid under protest according to the provisions of this subsection shall be maintained unless such suit, action or proceeding is commenced within one year after the expiration of the ninety days mentioned in this subsection, or within one year from the date of the refusal of said commission to make refund should such refusal be made before the expiration of said ninety days above mentioned. The one-year limitation here imposed shall not be retroactive in its effect, shall not apply to pending litigation nor shall the same be construed as repealing, abridging or extending any other limitation or condition imposed by this Act."

Time for bringing actions for refund.

Effect of limitation.

SEC. 28. That Section fourteen of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by adding a subsection to be known as Subsection "(f)," which subsection shall read as follows:

Sec. 14 amended.

"(f) Any employer refusing to make reports required under this Act, after ten days written notice sent by the commission to the employer's last known address by registered mail, may be enjoined from operating in violation of the provisions of this Act upon the complaint of the commission, in any court of competent jurisdiction, until such reports shall have been made. When an execution has been returned to the commission unsatisfied, and the employer, after ten days written notice sent by the commission to the employer's last known address by registered mail, refuses to pay contributions covered by the execution, such employer may be enjoined from operating in violation of the provisions of this Act upon the complaint of the commission, in any court of competent jurisdiction, until such contributions have been paid."

Employer refusing to make reports may be enjoined from operation.

Employer refusing to pay execution may be enjoined from operation.

Sec. 16 (a)  
rewritten.

SEC. 29. That Section sixteen, Subsection (a) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six is hereby amended by rewriting the same to read as follows:

Punishment for false statements, etc., to obtain or increase benefits.

"(a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this Act, either for himself or for any other person, shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00), or by imprisonment for not longer than thirty days; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense."

Each instance a separate offense.

Sec. 16 amended.

SEC. 30. That Section sixteen of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six be amended by adding two new subsections hereto, to be known as Subsection "(e)" and Subsection "(f)," which said subsections shall read as follows:

Loss of benefits for misrepresentation of material fact, etc.

"(e) An individual shall not be entitled to receive benefits for the remainder of any benefit year during which he has been found to have received any sum as benefits under this Act by reason of the intentional non-disclosure or misrepresentation by him, or by another with his knowledge, of a material fact.

Loss of benefits for larceny or embezzlement in connection with employment.

"(f) Any individual discharged for larceny or embezzlement in connection with his employment, if such individual is convicted thereof in a court of competent jurisdiction, or if the commission finds that he has made a voluntary confession of guilt, shall not be entitled to receive any benefits based on wages earned in the base period applicable at the time of such discharge."

Sec. 19 (f)  
amended.

SEC. 31. That Section nineteen, Subsection (f), of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, be amended by renumbering Paragraphs (5) and (6) to read "(4)" and "(5)," Paragraph (4) having been repealed by Section nineteen of Chapter one hundred and eight of the Public Laws of one thousand nine hundred and forty-one, and by adding a new paragraph to be numbered "(6)" which said new paragraph shall read as follows:

Additional definition of "employer."

"(6) Any employing unit not an employer by reason of any other paragraph of this subsection, for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any Federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund."

SEC. 32. That Section nineteen, Subsection (g), Paragraph (4) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six is hereby amended by rewriting the same to read as follows:

Sec. 19(g)  
amended.

“(4) Services not covered under Paragraph (2) of this subsection, and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, shall be deemed to be employment subject to this Act if the individual performing such service is a resident of this State and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this Act, and services covered by an election duly approved by the commission in accordance with an arrangement pursuant to Section eleven, Subsection (1) of this Act shall be deemed to be employment during the effective period of such election.”

Certain services performed wholly outside State included in definition of “employment.”

SEC. 33. That Section nineteen, Subsection (k), Paragraph (2) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 19(k)  
amended.

“(2) An individual shall be deemed partially unemployed in any week in which, because of lack of work, he works less than sixty per cent of the customary scheduled full time hours of the industry or plant in which he is employed and in which he earns less than the ineligible amount shown in Column III of the table set forth in Section three (b) hereof: Provided, however, that the commission may find the customary scheduled full time hours of any individual to be less or more than the customary scheduled full time hours of the industry or plant in which he is employed, if such individual customarily performs services in an occupation which requires that he customarily work a greater or smaller number of hours than the customary scheduled full time hours of the industry or plant in which he is employed.”

Partial employment.

Customary scheduled full time hours of individual may be different from those of industry or plant.

SEC. 34. That Section nineteen, Subsection (r) of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, is hereby amended by rewriting the same to read as follows:

Sec. 19(r)  
rewritten.

“(r) ‘Benefit year’ with respect to any individual means the one-year period beginning with the first day of the first week with respect to which such individual first registers for work and files a valid claim for benefits, and after the termination of such benefit year the next benefit year shall be the next one-year period beginning with the first day of the first week with respect to which such individual registers for work and files a valid claim for benefits; a valid claim shall be deemed

“Benefit year” defined.

to have been filed if such individual, at the time the claim is filed, is unemployed and has been paid wages for employment amounting to at least one hundred and thirty dollars in the applicable base period: Provided, however, that any individual whose employment under this Act prior to July first, one thousand nine hundred and thirty-nine, shall have been for an employer subject after July first, one thousand nine hundred and thirty-nine, to the Railroad Unemployment Insurance Act and some other employer subject to this Act, such individual's benefit year, if established before July first, one thousand nine hundred and thirty-nine, shall terminate on that date and if again unemployed after July first, one thousand nine hundred and thirty-nine, he shall establish another benefit year after such date with respect to employment subject to this Act."

Conflicting laws repealed.

SEC. 35. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 36. That this Act shall be in full force and effect from and after the date of ratification.

Ratified this the 2nd day of March, 1943.

S. B. 102

### CHAPTER 378

AN ACT TO AMEND SECTION NINE HUNDRED AND FIFTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA SO AS TO REGULATE THE FILING OF ANNUAL REPORTS BY THE CLERK OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 956 amended.

SECTION 1. That Section nine hundred and fifty-six, as amended, of the Consolidated Statutes of North Carolina is hereby amended by adding the following proviso at the end of the section:

Annual report of C. S. C. of Rockingham County.

"Provided, that the Clerk of the Superior Court of Rockingham County shall make the reports required by this section to the Board of County Commissioners of Rockingham County on the first Monday in December of each year, which report shall be made as of the close of the day's transactions of October thirty-first of each year."

As of October 31st of each year.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

S. B. 172

## CHAPTER 379

AN ACT RELATIVE TO THE ELECTION OF TRUSTEES  
FOR ALAMANCE COUNTY PUBLIC HOSPITAL.

WHEREAS, there was elected at the general election held in Alamance County on November third, one thousand nine hundred and forty-two, seven trustees for the Public Hospital of Alamance County, who constitute the board of trustees for said Public Hospital; and

Preamble:  
Trustees of Public Hospital of Alamance County elected at general election in 1942.

WHEREAS, as by law provided, the term of office of two of said trustees expires on the first Monday in December, one thousand nine hundred and forty-four, and the term of office of two other of said trustees expires on the first Monday in December, one thousand nine hundred and forty-six, and the term of office of the other three of said trustees expires on the first Monday in December, one thousand nine hundred and forty-eight, as provided by Section seven thousand two hundred and fifty-seven of the Consolidated Statutes of North Carolina: Now, therefore,

Expiration of terms of office of Trustees.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the successors to those trustees whose terms of office expire on the first Monday in December, one thousand nine hundred and forty-four, shall be elected by a majority vote of the other five trustees at the regular monthly meeting of the said trustees to be held in November, one thousand nine hundred and forty-four, and said successors so elected at that time shall hold their office for a term of six years, and until their successors are elected and qualified. That the successors to those trustees whose terms of office expire on the first Monday in December, one thousand nine hundred and forty-six, shall be elected by a majority vote of the other five trustees at the regular monthly meeting of the said trustees to be held in November, one thousand nine hundred and forty-six, and said successors so elected at that time shall hold their office for a term of six years, and until their successors are elected and qualified. That the successors to those trustees whose terms of office expire on the first Monday in December, one thousand nine hundred and forty-eight, shall be elected by a majority vote of the other four trustees at the regular monthly meeting of said trustees to be held in November, one thousand nine hundred and forty-eight, and said successors so elected at that time shall hold their office for a term of six years and until their successors are elected and qualified. That thereafter the successors to trustees shall be elected at the regular November meeting of said trustees in each and every even year, and such successors shall be elected by a majority vote of the trustees whose terms do not expire at the succeeding first Mon-

Method of electing Trustees changed.

Trustees to be elected by vote of trustees whose terms are not then expiring.

Term of office. day in December, and such successors shall hold their office for a term of six years and until their successors are elected and qualified.

Vacancies filled by Board of Commissioners of Alamance County. SEC. 2. Vacancies in the board of trustees of the Public Hospital of Alamance County occasioned by death, removal, resignation or otherwise than the expiration of the term of office shall be reported to the Board of Commissioners of Alamance County, and shall be filled by the Board of Commissioners of Alamance County, and the person or persons so appointed to fill such vacancy, or vacancies, shall hold his office, or their offices for the residue of the term of the trustee, or trustees, so dying, removing, resigning, or otherwise becoming disqualified.

Practicing physician not to be trustee. Residence of trustees. SEC. 3. That no practicing physician shall be elected as a trustee. That the trustees shall be residents of Alamance County, North Carolina.

General law of State to apply to Hospital except as changed herein. SEC. 4. That except as changed by this Act, the general law of the State of North Carolina shall apply to the said Public Hospital of Alamance County.

Application of Act. SEC. 5. That this Act shall be applicable to Alamance County only.

Conflicting laws repealed. Portions of C. S. 7257 in conflict with this Act repealed. SEC. 6. All laws and clauses of laws, and in particular those portions of Section seven thousand two hundred and fifty-seven of the Consolidated Statutes in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

S. B. 208 CHAPTER 380

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO CHARACTER OF TOWN OF LUMBERTON.

*The General Assembly of North Carolina do enact:*

Ch. 343, Private Laws, 1907, amended. SECTION 1. That Chapter three hundred and forty-three of the Private Laws of one thousand nine hundred and seven be amended as follows:

By adding new section to Sec. 31 relating to "Primaries." (a). By adding to Section thirty-one relating to "Primaries" following Subsection (b) and preceding Subsection (c) an additional subsection to be designated as Subsection (b. b.) as follows:

SUBSECTION (b. b.). "That if the certification of the results of the primary election as required in Subsection (b) discloses that no candidate (in case there are more than two candidates for the same office) for any given office received a majority of the votes cast in the manner in which a majority is ascertained under the law, then upon written demand of the candidate receiving the second highest vote for such office, a run off primary shall be ordered by the board of commissioners of said town, which primary shall be held on the date of and in conjunction with the regular election of the town and under the same general rules applicable to such election; Provided, however, such written demand is served on the mayor or town clerk not later than Thursday morning at nine-thirty o'clock following the primary. In the run off primary, the results shall be certified as in the first primary election, and the one receiving the highest vote shall be declared elected to the office aspired to by such candidate."

Run-off primary provided for in municipal elections of Town of Lumberton in certain instances.

Demand for run-off.

Time for holding primary.

Time for serving written demand for run-off primary.

Results of run-off primary certified.

(b). By striking out Section twenty-one of said Chapter three hundred and forty-three under the head "Elections," and inserting in lieu thereof the following provision:

By rewriting Sec. 21 relating to "Elections."

"The regular election, other than primary election, shall be held at the courthouse in the Town of Lumberton. As to primary elections held on the last Tuesday in April, polling places shall be provided for the electors of said wards as follows: one in the first ward of said town; one in the second ward of said town; one in the third ward of said town; and for the voters of the fourth ward of said town, the polling place shall be at the courthouse in said town unless otherwise designated by order of said board. Prior to twenty days preceding the regular election one thousand nine hundred and forty-three, registrars shall be appointed for the respective voting places who shall register each voter of the respective wards upon a separate list, and thereafter as new voters register they shall be registered upon the list of the ward in which they are residents. Provision shall be made for the holding of said primary election in the several wards in the same manner as heretofore provided for holding primary elections of said town at the courthouse. A certification of the results of said primary election shall be made respectively by the poll holders of the respective polling places."

Regular election held at courthouse in Lumberton.

Polling places for primary elections.

Appointment of registrars.

Registration.

Provision for primary election.

Certification of results of primary election by poll holders.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 2nd day of March, 1943.

## H. B. 217

## CHAPTER 381

AN ACT PROVIDING FOR THE ESTABLISHMENT OF  
AN INSTITUTION FOR THE CARE OF DELINQUENT  
NEGRO GIRLS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact :*

State Training School for Negro Girls created.

Authorized to accept and use donations and appropriations.

Under control of N. C. Board of Correction and Training.

Powers and duties of Board same as it exercises over other institutions.

Authority to secure real estate and erect buildings for purpose of institution.

No commitments involving State funds permitted until appropriation authorized by General Assembly.

Operation of institution before permanent quarters established.

Agreement with other State institution for temporary use of State property.

Authority for other State institution turning over unoccupied real estate to Directors.

SECTION 1. An institution, to be known and designated as State Training School for Negro Girls, is hereby created, and such institution is authorized and empowered to accept and use donations and appropriations and do all other things necessary and requisite to be done in furtherance of the purpose of its organization and existence as hereinafter set forth.

SEC. 2. The said institution shall be under the control of the North Carolina Board of Correction and Training, and wherever the words "Board," "Directors" or "Board of Directors" are used in this Act with reference to the governing board of said institution, the same shall mean the North Carolina Board of Correction and Training, and said board shall exercise the same powers and perform the same duties with respect to the State Training School for Negro Girls as it exercises and performs with respect to the other institutions under its control, except as may in this Act be otherwise provided.

SEC. 3. The board of directors, with the approval of the Governor and Council of State, is authorized to secure by gift or purchase suitable real estate within the State at such place as the board may deem best for the purpose, and to erect or improve buildings thereon, for carrying out the purposes of the institution; but no real estate shall be purchased or any commitments made for the erection or permanent improvement of any buildings involving the use of State funds unless and until an appropriation for permanent improvements of the institution is expressly authorized by the General Assembly; but this prohibition shall not prevent the directors from purchasing or improving real estate from funds that may be donated for the purpose.

SEC. 4. That in order to provide for the operation of the said institution prior to the time that permanent quarters can be established, the board of directors, with the approval of the Governor and Council of State, is authorized and empowered to enter into an agreement with any other State institution or agency for the temporary use of any State owned property which such other State institution or agency may be able and willing to divert for the time being from its original purpose; and any other State institution or agency, which may be in possession of real estate suitable for the purpose of the State Training School for Negro Girls and which is not occupied or needed by said institution or agency, be and it is hereby authorized to turn such real estate over to the Directors of

the State Training School for Negro Girls upon such terms as may be mutually agreed upon.

SEC. 5. The board of directors shall have the general superintendence, management, and control of the institution; of the grounds and buildings, officers, and employees thereof; of the inmates therein and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board shall endeavor as far as possible to classify the inmates and keep the different classes in separate wards or divisions, so as to produce the best results in the reformatory work. The board of directors shall constitute a board of parole of the institution and shall have the power to parole and discharge the inmates under such rules and regulations as the board may prescribe.

Powers and duties of Board.

Control of inmates.

Classification of inmates.

Parole and discharge.

SEC. 6. The board of directors shall appoint a superintendent of the institution, who shall be a woman of professional social work training and experience and who shall meet the personnel standards established by the State Board of Charities and Public Welfare, and may fix the compensation of the superintendent, subject to the approval of the Budget Bureau, and may discharge the superintendent at any time for cause.

Superintendent of institution.

Qualifications.

Compensation of superintendent.

SEC. 7. Any negro girl under the age of sixteen years, who may come or be brought before any juvenile court of the State or other court of competent jurisdiction, and may be found by such court to be in need of institutional training, may be committed by such court to the institution for an indefinite period: Provided, that such person is not insane or mentally or physically incapable of being substantially benefited by the discipline of the institution: Provided, further, that before committing such person to the institution, the court shall ascertain whether the institution is in a position to care for such person; and that it shall be at all times within the discretion of the board of directors as to whether the board will receive any person into the institution. No commitment shall be for any definite term, but any person so committed may be conditionally released or discharged by the board of directors at any time after commitment, but in no case shall any inmate be detained in the institution for a period longer than such time at which she may attain the age of twenty-one years. It shall be the duty of the county authorities of the county from which any girl is sent to the institution or the city authorities, if any is ordered to be sent to the institution by any city court, to see that such girl is safely and duly delivered to the institution,

Method of committing certain negro girls to said institution.

Insane persons excepted.

Court to ascertain if institution can take person before committing.

Admission to institution in discretion of Board.

No term of commitment.

Conditional release.

No inmate to be detained after becoming of age.

Duty of certain authorities with respect to delivery of girls to institution.

Expense of delivery.

and to pay all the expenses incident to her conveyance and delivery to the institution.

Power to grant conditional release of inmate.

SEC. 8. The superintendent shall have power to grant a conditional release to any inmate of the institution under the rules adopted by the board of directors, and such conditional release may be terminated at any time by the written revocation of the superintendent, which written revocation shall be sufficient authority for any officer of the school or peace officer to apprehend any inmate named in such written revocation, in any county of the State, and to return such inmate to the institution. Final discharge of any inmate of the institution may be granted by the superintendent under rules adopted by the board of directors at any time after such inmate has been admitted to the institution: Provided, however, that final discharge must be granted before such inmate shall arrive at her twenty-first birthday.

Revocation of conditional release.

Final discharge of inmates.

Board may enter into contract with certain Federal authorities to care for certain girls within jurisdiction of Federal Courts.

SEC. 9. The board of directors shall have power and they are hereby authorized, shall it be deemed necessary, to enter into a contract with the Office of the United States Attorney General or such necessary Federal agency, to keep, restrain, control, care, and train any negro girl under the age of sixteen years, being a citizen of the State of North Carolina, who may come within the jurisdiction of the several Federal courts and who may fall within the classification hereinbefore set forth. Any such contract made under the authority and provisions of this Act shall be for a period of not more than two years, and shall provide payments by the Office of the United States Attorney General or such necessary Federal agency to the institution for the care of any persons coming within the provisions of this Act, which shall be not less than the current estimated cost per capita at the time of the execution of the contract, and all such financial provisions of any contract shall first, before the execution of said contract, have the approval of the Budget Bureau of North Carolina. Any payments received under the contract authorized by this Act shall be deposited in the State Treasury for the use and maintenance of the institution with which any such contract is made. Such payments are hereby appropriated to said institution as a supplementary fund to compensate the institution for the additional care and maintenance of such persons as are received under the provisions of this Act.

Period of such contract.

Payments for such care.

Contracts to be approved by Budget Bureau.

Application and use of such payments.

Appropriation for biennium.

SEC. 10. The General Assembly does hereby provide an appropriation of twenty-five thousand dollars (\$25,000.00), which shall be used for maintenance for the biennium ending June thirtieth, one thousand nine hundred and forty-five.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three. Effective date.

Ratified this the 2nd day of March, 1943.

H. B. 244

CHAPTER 382

AN ACT TO ESTABLISH A SYSTEM OF CONTINUOUS STATUTE RESEARCH AND CORRECTION IN THE DIVISION OF LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section five of Chapter three hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Chapter thirty-five of the Public Laws of one thousand nine hundred and forty-one, is amended by adding at the end thereof the following:

Sec. 5, Ch. 315, Public Laws, 1939, amended.

“In order that the laws of North Carolina, as set out in the General Statutes of North Carolina, may be made and kept as simple, as clear, as concise and as complete as possible, and in order that the amount of construction and interpretation of the statutes required of the courts may be reduced to a minimum, it shall also be the duty of the division of legislative drafting and codification of statutes to establish and maintain a system of continuous statute research and correction. To that end the division shall:

System of continuous statute research and correction to be maintained by Division of Legislative Drafting and Codification of Statutes.

Duties:

1. Make a systematic study of the general statutes of the State, as set out in the General Statutes and as hereafter enacted by the General Assembly, for the purpose of ascertaining what ambiguities, conflicts, duplications and other imperfections of form and expression exist therein and how these defects may be corrected.

Systematic study of General Statutes.

2. Consider such suggestions as may be submitted to the division with respect to the existence of such defects and the proper correction thereof.

Consideration of correction of defects.

3. Prepare for submission to the General Assembly from time to time bills to correct such defects in the statutes as its research discloses.”

Prepare bills to correct defects.

SEC. 2. This Act shall be effective upon its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 246

## CHAPTER 383

## AN ACT TO PROHIBIT DETECTIVE AGENCIES FROM COLLECTING ACCOUNTS.

## Preamble:

Practice of collecting accounts by threats engaged in by some detective agencies.

WHEREAS, there is a practice engaged in by some persons, firms, and corporations, known as detective agencies, of collecting accounts by threats of prosecution, criminal actions and the like; and

Practice repugnant to public peace.

WHEREAS, this practice of detective agencies as ordinarily conducted is repugnant to public peace and welfare of the citizens of this State; and

Intent of General Assembly to prohibit this practice.

WHEREAS, it is the intent and purpose of the General Assembly to prevent this invasion of the personal liberty and well-being of the citizens of the State by prohibiting this practice by the detective agencies: Now, therefore,

*The General Assembly of North Carolina do enact:*

Unlawful for detective agency or persons engaged in business as detective to engage in business of collecting claims, etc.

SECTION 1. It shall be unlawful for any person, firm, or corporation, who or which is engaged in business as a detective, detective agency, or what is ordinarily known as "secret service work," or conducts such business, to engage in the business of collecting claims, accounts, bills, notes, or other money obligations for others, or to engage in the business known as a collection agency. Violation of the provisions hereof shall be a misdemeanor, punishable by a fine or imprisonment, or both, in the discretion of the court.

Violation made misdemeanor. Penalties.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 422

## CHAPTER 384

## AN ACT TO AMEND THE UNIFORM PARTNERSHIP ACT SO AS TO PROVIDE EXPRESSLY THAT THE DEATH OF A PARTNER DOES NOT CAUSE A DISSOLUTION OF THE PARTNERSHIP IN THOSE CASES WHERE THE PARTNERSHIP AGREEMENT PROVIDES OTHERWISE.

*The General Assembly of North Carolina do enact:*

Sec. 31, Ch. 374, Public Laws, 1941, relating to the causes of dissolution of partnerships, amended.

SECTION 1. Subsection four of Section thirty-one of Chapter three hundred and seventy-four of the Public Laws of one thousand nine hundred and forty-one is amended by changing the semicolon after the words "by the death of any partner,"

to a comma, and by adding next thereafter the words "unless the partnership agreement provides otherwise."

SEC. 2. This Act shall be effective upon its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 423

CHAPTER 385

AN ACT TO AMEND CONSOLIDATED STATUTES, SECTION SIX THOUSAND THREE HUNDRED AND THIRTY-ONE PERTAINING TO POWER OF INSURANCE COMPANIES TO PURCHASE, HOLD, AND CONVEY REAL ESTATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six thousand three hundred and thirty-one of the Consolidated Statutes be amended by adding a new section thereto to be numbered three and one half, and reading as follows:

C. S. 6331,  
amended.

(A) "Real estate acquired for the purpose of leasing the same to any person, firm, or corporation for a period not exceeding thirty years, or real estate already leased for an unexpired period not exceeding thirty years, under an agreement (1) that the lessee shall at its own cost erect, or where under the lessee or its predecessor in title has at its own cost already erected thereon, free of liens, a building or other improvements satisfactory to the owner; (2) that the said improvements shall remain on the said property during the period of the lease, with provision that at the termination of the lease the ownership of such improvements, free of liens, shall vest in the owner of the real estate; and (3) that during the term of the lease the tenant shall keep and maintain the said improvements in good repair. Real estate acquired pursuant to the provisions of this Subsection (A) shall not be treated as an admitted asset unless and until the improvements herein required shall have been constructed and the lease agreement entered into in accordance with the terms of this subsection, nor shall real estate acquired pursuant to this Subsection (A) be treated as an admitted asset in an amount exceeding the amount actually invested reduced each year by equal decrements sufficient to write off at least seventy-five per cent of the investment at the normal termination of the lease. The total investments of any company under this Subsection (A) shall not exceed three per cent of its assets.

Real estate for certain leasing purposes may be acquired and held by insurance companies.

When such real estate treated as admitted assets.

Method of treating such real estate as admitted asset.

Limitation on investments hereunder.

(B) Subject to approval of the Insurance Commissioner, real estate for recreation, hospitalization, convalescent and retirement purposes of its employees only. Such investment under this

Real estate held for certain purposes of employees.

Limitation on investment hereunder.

Subsection (B) shall not exceed five per cent of the company's surplus.

Limitation on total investment in real estate.

No investment shall be made by any company pursuant to this Section three and one half (3½) which will cause such company's investment in all real property owned by it to exceed ten per cent of its assets."

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 441

CHAPTER 386

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO SPECIAL TAX LEVY OF SAMPSON COUNTY FOR REPAIRS TO JAIL AND OTHER COUNTY BUILDINGS.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 218, Public-Local Laws, 1941, relating to a special tax levy of Sampson County for repairs to jail, etc., amended.

SECTION 1. That Section two of Chapter two hundred and eighteen, Public-Local Laws of one thousand nine hundred and forty-one, be and the same is hereby amended by adding after the word "three" and before the word "for" in line eight thereof the following: "one thousand nine hundred and forty-four, one thousand nine hundred and forty-five, one thousand nine hundred and forty-six, one thousand nine hundred and forty-seven, and one thousand nine hundred and forty-eight."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 461

CHAPTER 387

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE AS AMENDED, REQUIRING SEPARATE SPECIFICATIONS FOR CERTAIN CONTRACT WORK SO AS TO INCLUDE ELECTRICAL INSTALLATIONS.

*The General Assembly of North Carolina do enact:*

Ch. 141, Public Laws, 1925, amended to apply to electrical installations and air conditioning in public buildings described therein.

SECTION 1. Chapter one hundred and forty-one of the Public Laws of one thousand nine hundred and twenty-five as amended by Chapter three hundred and thirty-nine of the Public Laws

of one thousand nine hundred and twenty-nine and Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-one be and the same is hereby amended so as to apply to electrical installations and air conditioning in the public buildings described in said chapter, by adding, in line eight after the figure and words, "2. Plumbing and Gas Fitting," the figures and words, "3. Electrical installations. 4. Air Conditioning, for the purpose of comfort cooling by the lowering of temperature, and accessories." Amend further by adding in Section two, in line eight, after the figure and words, "2. Plumbing and Gas Fitting," the figures and words, "3. Electrical installations. 4. Air Conditioning, for the purpose of comfort cooling by the lowering of temperature, and accessories." That Section one be further amended in line eight by adding after the word "ventilating" the following words, "and accessories."; and by adding after the word "fitting" in line eight, the words "and accessories."; and that Section two be further amended in line seven, after the word "ventilating" by adding the words, "and accessories."; and by adding in line eight, of Section two after the word "fitting," the words "and accessories."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 483

## CHAPTER 388

AN ACT TO REIMBURSE IRA G. SHAMEL OF FORSYTH COUNTY FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A NEGRO SCHOOL BUS IN JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

WHEREAS, in January, one thousand nine hundred and forty-two, a collision occurred between a negro school bus belonging to the State School Commission and a private automobile owned by Ira G. Shamel, of Forsyth County, North Carolina; and

Preamble:  
Collision between school bus of State School Commission and car of Ira G. Shamel.

WHEREAS, said collision occurred while said automobile was parked on United State Highway Number fifty-two and Polo Road; and

Location of collision.

WHEREAS, said collision was caused by the negligent operation of the school bus by the said bus driver; and

Collision caused by negligence of bus driver.

WHEREAS, it appears that Ira G. Shamel has suffered damages to his automobile in the sum of at least fifty dollars (\$50.00) due to said collision and due to no fault on his part; and

Damage sustained by Shamel.

Shamel has no legal right against State.

WHEREAS, the said Ira G. Shamel is not authorized by law to recover his loss by legal action against the State School Commission or the State of North Carolina; and

Proper that he be reimbursed for loss.

WHEREAS, there is no remedy available to said Ira G. Shamel to secure reimbursement for his loss and that it is just and proper that he be reimbursed for the loss sustained by him: Now, therefore,

*The General Assembly of North Carolina do enact:*

Reimbursement authorized upon investigation by State School Commission and satisfactory proof of certain conditions.

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of Ira G. Shamel referred to above and, upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of the owner of said automobile, the State School Commission is authorized to pay Ira G. Shamel such sum not exceeding fifty dollars (\$50.00) as will reimburse him for the damage found to be thus sustained.

Not to exceed \$50.00.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

## H. B. 521

## CHAPTER 389

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO TERMS OF SUPERIOR COURTS IN THE SIXTH JUDICIAL DISTRICT, TO PROVIDE FOR A CIVIL AND CRIMINAL TERM IN ONSLOW COUNTY IN MAY OF EACH YEAR.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 321, Public Laws, 1941, amended as to terms of Superior Court in Onslow County.

SECTION 1. Section one of Chapter three hundred and twenty-one of the Public Laws of one thousand nine hundred and forty-one, is hereby amended by striking out the words "for the trial of criminal cases only" in line thirty-two, and by inserting in lieu thereof the words "for the trial of criminal and civil cases."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 529

## CHAPTER 390

AN ACT TO PROVIDE FOR ADDITIONAL CLERK HIRE  
IN THE OFFICES OF CLERK OF SUPERIOR COURT  
AND REGISTER OF DEEDS OF DAVIE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Clerk of Superior Court and the Register of Deeds of Davie County each be, and they are hereby authorized to employ a clerk or clerks in their respective offices to be paid by the Board of County Commissioners of said Davie County out of the general fund: Provided, that this authorization shall be in addition to all amounts now appropriated and expended, and shall not exceed fifty dollars (\$50.00) per month for each office.

C. S. C. and Register of Deeds of Davie County authorized to employ clerks.

Authorization limited.

SEC. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 2nd day of March, 1943.

H. B. 547

## CHAPTER 391

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND  
TWENTY-TWO OF THE PUBLIC LAWS OF ONE THOU-  
SAND NINE HUNDRED AND THIRTY-FIVE, RELA-  
TIVE TO THE RENTAL SYSTEM FOR TEXTBOOKS  
USED IN THE PUBLIC SCHOOLS OF THE STATE.*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by adding a new paragraph at the end thereof to read as follows:

Sec. 4, Ch. 422, Public Laws, 1935, amended.

“The Governor, with the approval of the Council of State, may, upon request and certification of the State Board of Education that surplus funds in the State Textbook Rental Fund herein provided for are not needed for the purchase of rental textbooks, transfer so much of said surplus to the general fund of the State to be used for the purchase of free textbooks as, in their judgment, may be necessary for the operation of the free textbook system now provided by law.”

Surplus in State Textbook Rental Fund may be transferred to general fund of State under certain conditions.

To be used for purchase of free textbooks.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 590

CHAPTER 392

AN ACT CREATING THE OFFICE OF TAX COLLECTOR FOR HERTFORD COUNTY AND REPEALING CHAPTER TWO HUNDRED AND FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE.

*The General Assembly of North Carolina do enact:*

Ch. 259, Public-Local Laws, 1933, repealed.

SECTION 1. That Chapter two hundred and fifty-nine Public-Local Laws of one thousand nine hundred and thirty-three, entitled "An Act relating to the appointment of Tax Collectors for Hertford County," shall be and the same is hereby repealed, such repeal to become effective on July first, one thousand nine hundred and forty-three.

Effective date of repeal.

Board of County Commissioners of Hertford County to appoint Tax Collector.

SEC. 2. That not later than the first Monday in June one thousand nine hundred and forty-three, the Board of County Commissioners of Hertford County shall appoint some competent person as county Tax Collector for Hertford County who shall take office on the first day of July one thousand nine hundred and forty-three, and shall hold such office at the will of said board, or until his successor is duly appointed by said board and qualified.

Term of office.

Present tax collectors to make settlement on July 1, 1943.

SEC. 3. That the Tax Collectors of Hertford County appointed pursuant to the provisions of law now in force and effect shall, on the first day of July one thousand nine hundred and forty-three, make full and complete settlement for all taxes with which they are then charged and thereupon all uncollected tax accounts owing the said County of Hertford shall be turned over to the tax collector appointed pursuant to the provisions of this Act, who shall be charged with the collection and settlement of said taxes in the manner prescribed by law and who shall after said July first, one thousand nine hundred and forty-three, be charged with the performance of all duties imposed upon tax collectors by the Public Laws of North Carolina.

Uncollected tax accounts to be turned over to Tax Collector appointed pursuant to this Act.

Salary of Tax Collector.

SEC. 4. That the Board of County Commissioners of Hertford County shall fix the salary of the county tax collector which shall not exceed three thousand dollars per annum, payable monthly, and may allow said tax collector not exceeding six hundred dollars per annum for travel expense. Such salary and travel expense shall be payable out of the general fund of said county. The board of county commissioners shall provide necessary office space, furnishings and equipment for the county

Allowance for travel expenses.

Paid from general county fund.

Office space for Tax Collector.

tax collector in the courthouse and shall, by order duly recorded in the minutes, fix the days of each week and the hours of each day on which the county tax collector shall attend at his office in person or by deputy. The county tax collector shall employ at least one deputy collector at his own expense.

Tax Collector to employ deputy at his expense.

SEC. 5. That the county tax collector shall furnish bond in some surety company authorized to do business in North Carolina for an amount not less than twenty per centum of the total amount of taxes with which he is charged at any time as surety for his accountability of such taxes in the manner required by law, which bond shall be approved by the board of county commissioners as to form and as to amount herein provided.

Bond of Tax Collector.

Bond to be approved.

SEC. 6. That the county tax collector shall also perform the duties of county Tax Supervisor for Hertford County.

Tax Collector to perform duties of Tax Supervisor.

SEC. 7. That for the purpose of reimbursing the general fund of Hertford County for the salary and travel expenses of the county tax collector, and for other expenses of his office, the board of county commissioners may authorize three per centum of the collection of taxes levied for all purposes by said board to be deducted therefrom, which sums so deducted shall be credited to the county general fund.

Reimbursement of general fund for salary and travel expenses of Tax Collector.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 591

## CHAPTER 393

### AN ACT TO ADJUST THE COMPENSATION OF CERTAIN LEGISLATIVE EMPLOYEES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The salary of the Principal Clerks of each House and the Chief Enrolling Clerk shall be ten dollars (\$10.00) per day during the session of the General Assembly. The salaries of the Journal Clerks, Calendar Clerks, Chief Engrossing Clerks, Reading Clerks, Sergeants-at-Arms, and one Assistant Calendar Clerk in each House shall be eight dollars (\$8.00) per day during the session of the General Assembly. The Chaplain of each House shall receive four dollars and fifty cents (\$4.50) per day.

Salary of Principal Clerks of each House and Enrolling Clerk of Legislature.

Salaries of certain other Legislative employees.

Salary of Chaplain of each House.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after January first, one thousand nine hundred and forty-three.

Ratified this the 2nd day of March, 1943.

H. B. 598

CHAPTER 394

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, TO PROVIDE THAT THE TOWN CLERK OF THE TOWN OF OXFORD SHALL BE THE CLERK TO THE MAYOR'S COURT, AND TO PROVIDE A TURNKEY FEE.

*The General Assembly of North Carolina do enact:*

Sec. 26, Ch. 302, Private Laws, 1913, amended.

SECTION 1. That Section twenty-six of Chapter three hundred and two of the Private Laws of one thousand nine hundred and thirteen, as amended, is hereby further amended by adding at the end of said section the following:

Town Clerk of Town of Oxford to serve as Clerk of Mayor's Court.

"The Town Clerk of the Town of Oxford shall serve ex officio as clerk of the mayor's court. As clerk of the mayor's court, the clerk shall have the same authority as the mayor to issue criminal process: Provided, however, a warrant for the arrest of a person when issued by the clerk must be based on the affidavit of the complaining party. Said clerk shall have authority to issue warrants returnable before the courts, to subpoena witnesses, and to issue capiases."

Powers and duties of Clerk.

Sec. 30, Ch. 302, Private Laws, 1913, amended.

SEC. 2. That Section thirty of Chapter three hundred and two of the Private Laws of one thousand nine hundred and thirteen, as amended, is hereby further amended by striking out the period after the word "twenty-five cents" in line twelve thereof and inserting a semicolon in lieu thereof, and adding the following: "turnkey, for each person, seventy-five cents."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 606

## CHAPTER 395

## AN ACT TO REPEAL CHAPTER TWO HUNDRED AND SEVENTY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN INCORPORATING "THE TOWN OF ROYALL COTTON MILLS."

WHEREAS, by Chapter two hundred and seventy-eight of the Private Laws of one thousand nine hundred and seven the Town of Royall Cotton Mills was incorporated by Legislative Act; and

WHEREAS, in said Act the "directors of Royall Cotton Mills and their successors in office" were designated as commissioners of said town with the powers specified therein as commissioners; and

WHEREAS, for many years past, and at least for more than ten years no town government has been maintained under the provisions of said Act and there are now no directors of Royall Cotton Mills or any successor thereto because of the fact that the corporation at that time known as Royall Cotton Mills has long since been dissolved and out of existence; and

WHEREAS, there is now no town function being performed by anyone under said charter and it is desired that said chapter granting said charter be repealed; and

WHEREAS, there are no outstanding financial obligations of any kind or character: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and seventy-eight of the Private Laws of one thousand nine hundred and seven relating to the incorporation of the Town of Royall Cotton Mills be and the same is hereby repealed.

SEC. 2. That all laws and clauses of laws in conflict herein are hereby repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 2nd day of March, 1943.

Preamble:  
Incorporation of  
Town of Royall  
Cotton Mills.

Directors of Roy-  
all Cotton Mills  
designated as  
commissioners of  
said town.

No town govern-  
ment for more  
than 10 years.

Royall Cotton  
Mills dissolved  
and no directors  
of said mills.

Desire to repeal  
charter of said  
town.

No outstanding  
obligations.

Ch. 278, Private  
Laws, 1907, re-  
lating to incor-  
poration of Town  
of Royall Cot-  
ton Mills, re-  
pealed.

Conflicting laws  
repealed.

H. B. 608

## CHAPTER 396

## AN ACT TO PROHIBIT THE MANUFACTURE, PURCHASE, SALE, DEALING IN, TRANSPORTATION, POSSESSION, ADVERTISEMENT AND USE OF PYROTECHNICS IN HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

Possession, use, sale, etc., of pyrotechnics in Harnett County unlawful.

May be exhibited at certain public occasions.

Use at public exhibitions to be under supervision of experts.

Permit required for such exhibition.

Where delivery of pyrotechnics made by common carrier, sale deemed made where delivery was made.

Possession of pyrotechnics prima facie evidence of violation of act.

Certain officers authorized to issue permits for use in public exhibitions, etc.

Application for permit.

Pyrotechnics defined for purpose of Act.

SECTION 1. That it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within Harnett County: Provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: Provided, further, that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts who have previously secured a permit from the county, city or municipality in which said pyrotechnics are to be exhibited, used or discharged.

SEC. 2. That in case of sale or purchase of pyrotechnics, where the delivery thereof was made by a common or other carrier, the sale shall be deemed to be made in the county wherein the delivery was made by such carrier to the consignee.

SEC. 3. That possession of pyrotechnics by any person, for any purpose other than those permitted under this Act, shall be prima facie evidence that such pyrotechnics are kept for the purpose of being sold, bartered, exchanged, given away, furnished, otherwise disposed of, or used in violation of the provisions of this Act.

SEC. 4. That for the purpose of enforcing the provisions of this Act, the Sheriff of Harnett County and the chiefs of police in all cities and towns within Harnett County are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the afore-mentioned purposes and none other. Any person desiring to secure a permit as afore-mentioned shall make application to the Sheriff of Harnett County in which said pyrotechnics are to be used or to the chief of police of the municipality in which said pyrotechnics are to be used.

SEC. 5. That, for the proper construction of the provisions of this Act, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives,

which are used for exhibitions or amusement purposes: Provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms.

Explosives used in business, and ammunition in firearms excluded.

SEC. 6. That any person violating any of the provisions of this Act, except as otherwise specified in said Act, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Violation made misdemeanor.

Penalties for violation.

SEC. 7. If any clause, sentence, paragraph or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Partial invalidity section.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

## H. B. 640      CHAPTER 397

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO OPERATE THE COUNTY JAIL, AND TO REGULATE THE SALARIES OF CERTAIN OFFICIALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Henderson County is hereby vested with the authority to properly operate the Henderson County jail, and to that end they may employ such assistants at such salary as in their discretion may be expedient. A jailer shall be appointed with the approval of the sheriff of the county. The jailer shall have charge of the prisoners who are incarcerated therein and shall attend to feeding and otherwise providing the prisoners with such comfort and care as are now required by law for sheriffs.

Board of County Commissioners of Henderson County to operate county jail.

Appointment of jailer.

SEC. 2. The jailer shall work under the supervision of the sheriff and shall keep a record showing the names of the prisoners, the date of their imprisonment, and the date of their release, and such other records as the boards of commissioners may direct and shall submit such records to the sheriff or commissioners when called upon to do so.

Duties of jailer.

Cost of operating jail.

SEC. 3. The board of commissioners shall pay out of the general fund of the county the cost of operating the jail. All fees, board bills, and other expenses now charged against prisoners by reason of their imprisonment in the Henderson County jail and taxed against them by any court of competent jurisdiction shall hereafter be collected and turned over to the said board of commissioners who shall deposit same in the general fund, and no fees or other expenses shall be paid to anyone in connection with the operation of said jail, except as herein provided.

Jailer and assistants to serve at pleasure of Board.

SEC. 4. The jailer and any assistants appointed under this Act shall serve at the pleasure of the Board of Commissioners of Henderson County. But nothing herein shall be construed to restrict or limit the authority of the sheriff of said county over the prisoners who may be confined in said jail.

Authority of Sheriff over prisoners.

Certain acts of Commissioners in operating jail validated.

SEC. 5. That the acts of the Board of Commissioners of Henderson County in the operation of the county jail since the first Monday in December, one thousand nine hundred and forty-two in substantial conformity with the provisions of this Act are hereby validated and approved.

Salary supplement to be paid certain county employees for 2 years.

SEC. 6. In addition to the salaries now paid to the three regular deputy sheriffs of the county and assistant clerk of Superior Court, the board of commissioners shall, for a period of two years beginning July first, one thousand nine hundred and forty three, pay to each of said officials the sum of twenty-five dollars per month as an increase of or supplement to his monthly salary.

Conflicting laws repealed.

SEC. 7. All laws, and clauses of laws, in conflict with the provisions of the Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 641

## CHAPTER 398

AN ACT TO AMEND AND EXTEND THE PROVISIONS OF CHAPTER FOUR HUNDRED AND NINETY-TWO PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COLLECTION OF DELINQUENT TAXES IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 492, Public-Local Laws, 1939, relating to collection of certain taxes in Henderson County, extended for 4 years.

SECTION 1. That all the provisions of Chapter four hundred and ninety-two Public-Local Laws, one thousand nine hundred and thirty-nine, be, and the same hereby are, extended for

a period of four years from and after the ratification of this Act.

SEC. 2. The Board of Commissioners of Henderson County is hereby vested with the authority, in their discretion, to cancel all unpaid ad valorem taxes for the year one thousand nine hundred and thirty and prior years when in the judgment of the board, the amount of such outstanding taxes are so small that the cost of collection or retaining current records thereof shall substantially equal or exceed the amount of said taxes. Provided, however, the authority of this section shall apply only to tax certificates owned by Henderson County.

Board of Commissioners of Henderson County permitted to cancel unpaid taxes for 1930 and prior years in certain instances.

Applies only to tax certificates owned by County.

SEC. 3. All laws, and clauses of laws, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 642

## CHAPTER 399

### AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That pursuant to provisions contained in Chapter one hundred and thirteen, Pages one hundred and fifty through one hundred and fifty-nine of the Public-Local and Private Laws, entitled "An Act to Amend the Charter of the City of Hendersonville," ratified December nineteenth, one thousand nine hundred and twenty-one, R. C. Sample be and he is hereby re-elected and appointed a member of the Board of Water Commissioners for the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was elected by the remaining board members upon the death of J. W. Bailey, former member, all as provided in the above mentioned Act.

R. C. Sample appointed member of Board of Water Commissioners of City of Hendersonville.

Term of office.

SEC. 2. That all laws and clauses of laws conflicting with the provisions of this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

H. B. 19

## CHAPTER 400

AN ACT TO AMEND AND SUPPLEMENT THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), THE SAME BEING CHAPTER ONE HUNDRED AND FIFTY-EIGHT (158) OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939), AS AMENDED AND SUPPLEMENTED BY CHAPTERS FIFTY (50), TWO HUNDRED AND FOUR (204), AND THREE HUNDRED AND THIRTY-ONE (331), OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE (1941), AND AS OTHERWISE AMENDED.

*The General Assembly of North Carolina do enact:*

## TITLE AND PURPOSE OF ACT

- Title of Act.** SECTION A. The title of this Act shall be "The Act of one thousand nine hundred and forty-three (1943), amending and supplementing the Revenue Act of one thousand nine hundred and thirty-nine (1939), as amended."
- Purpose of Act.** SECTION B. The purpose of this Act is to amend and supplement the Revenue Act of one thousand nine hundred and thirty-nine (1939), as amended, and to raise and provide revenue for the purposes therein set forth.
- Ch. 158, Public Laws, 1939, being the Revenue Act, amended.** That the Revenue Act of one thousand nine hundred and thirty-nine (1939), the same being Chapter one hundred and fifty-eight (158) of the Public Laws of one thousand nine hundred and thirty-nine (1939), as amended and supplemented by Chapters fifty (50), two hundred and four (204), and three hundred and thirty-one (331) of the Public Laws of one thousand nine hundred and forty-one (1941), and as otherwise amended, be, and the same is hereby, amended and supplemented as hereinafter provided in this Act, that is to say:
- Inheritance Tax Article amended.** SECTION 1. Amendments to the Inheritance Tax Article, Article I, Schedule A.
- Sec. 1 amended.** Subsection (a) That Section one (1) is hereby amended by adding an eighth paragraph thereto immediately after the seventh paragraph, and before the proviso, as follows:
- Proceeds of certain life insurance policies.** "Eighth. Where the proceeds of life insurance policies are payable as provided in Section eleven of this Act."
- Sec. 2(d) amended.** Subsection (b) That Subsection (d) of Section two is hereby amended so that the last sentence thereof shall hereafter read as follows:

“And also proceeds of all policies of insurance and the proceeds of all Adjusted Service Certificates that have been or may be paid by the United States Government, or that have been or may be paid on account of policies required to be carried by the United States Government or any agency thereof, to the estate, beneficiary, or beneficiaries of any person who has served in the armed forces of the United States or in the merchant marine during the first or second World War; and proceeds, not exceeding the sum of ten thousand dollars (\$10,000.00), of all policies of insurance paid to the estate, beneficiary or beneficiaries of any person whose death was caused by enemy action during the second World War. This provision will be operative only when satisfactory proof that the death was caused by enemy action is filed by the executor, administrator or beneficiary with the Commissioner of Revenue.

Certain Government insurance and Adjusted Service Certificates.

Certain insurance of persons whose death caused by enemy action in second World War.

Proof of cause of death required.

Subsection (c) That Section eleven (11) is hereby stricken out and the following substituted in lieu thereof:

Sec. 11 rewritten.

“SEC. 11. Life Insurance Proceeds.

Life insurance policies.

“The proceeds of life insurance policies, payable at or after the death of the decedent, shall, in the following instances, be taxable at the rates provided in this article, subject to the exemptions in Section two thereof:

Rate of tax.

“1. When such insurance proceeds are receivable by the executor as insurance under policies upon the life of the decedent, regardless of whether the premiums thereon were paid by the decedent.

When proceeds receivable by executor under policies on life of decedent.

“2. When such insurance proceeds are receivable by all other beneficiaries as insurance under policies upon the life of the decedent—

When proceeds receivable by other beneficiaries.

“(a) Where such insurance was purchased with premiums, or other consideration, paid directly or indirectly by the decedent, in the proportion that the amount so paid by the decedent bears to the total premiums paid for the insurance. In all such cases, it is declared that life insurance and the transfer of the proceeds thereof is testamentary in nature, and therefore, the payment of the premiums or other consideration by the decedent, shall be deemed to effect a transfer from him at his death of benefits equal to such insurance proceeds, or such rateable proportion thereof regardless of (1) whether the decedent had taken or retained any incidents of ownership in said policies or (2) whether the decedent applied for said insurance or (3) whether the decedent was under a legal duty to pay said premiums or (4) whether said policies had been assigned irrevocably or otherwise, except as hereinafter stated. For the purpose of determining the amount of premiums or other consideration paid by decedent, if the decedent transferred, by assignment or otherwise, a policy of insurance,

Proportion of premiums paid by decedent to total premiums.

Life insurance and transfer of proceeds testamentary.

Payment of premiums by decedent deemed transfer at death.

Incidents of ownership immaterial where decedent paid premiums.

Certain other facts immaterial.

Determination of premiums paid by decedent where policy assigned for consideration.

the amount paid directly or indirectly by the decedent shall be reduced by an amount which bears the same ratio to the amount paid directly or indirectly by the decedent as the consideration in money or money's worth received by the decedent for the transfer bears to the value of the policy at the time of the transfer;

Possession of incidents of membership by decedent.

Reversionary interest not incident of ownership.

Effect of payment of premiums by beneficiary.

Payment of premiums with gift from decedent.

Transfer of policies other than by gift.

Credit for gift tax paid.

Apportionment of credit among beneficiaries.

Sec. 20 (c) amended to increase fee of C. S. C. for making certain reports.

Sec. 21½ amended.

“(b) Or where, with respect to such insurance, the decedent possessed at his death any of the incidents of ownership, exercisable either alone or in conjunction with any other person. The term ‘incident of ownership,’ as used herein, does not include a reversionary interest: Provided, if the premiums or other consideration have been paid in whole or in part upon such insurance by a beneficiary thereof, said beneficiary shall not be taxed on that proportion of the insurance proceeds that the amount of the premiums or other consideration paid by said beneficiary bears to the total premiums paid on said insurance.

“The decedent shall not be deemed to have paid premiums or other consideration, within the meaning of this section, where the decedent has made a gift, either before or after the issuance of the policy, or money or property and the gift tax, if any, has been paid with respect to such gift, and the said money or property has been used by the donee to pay any premium or premiums.

“This section shall not apply to the proceeds of insurance policies transferred, by assignment or otherwise, during the life of the decedent if the transfer did not constitute a gift, in whole or in part, under Article VII, Schedule G, of this Act, or in case the transfer was made at a time when Article VII, Schedule G, was not in effect, or if the transfer would not have constituted a gift, in whole or in part, under said article had it been in effect at such time.

“If a gift tax has been paid with respect to any gift of an insurance policy by the decedent, the amount of tax so paid shall be credited against the amount of inheritance tax due on the proceeds of such policy under this article, and if there was more than one beneficiary to such insurance, such credit shall be apportioned against the inheritance tax payable by each beneficiary in the ratio that the interest receivable by each beneficiary bears to the total amount of the insurance proceeds.”

Subsection (d) That Subsection (c) of Section twenty (20) is hereby amended by striking out the words “fifty cents (50¢)” in line twenty-four and inserting in lieu thereof the words “one dollar (\$1.00).”

Subsection (e) That Section twenty-one and one half (21½) is hereby amended by striking out the sentence beginning with

the words "The Clerk" in line forty-four and ending with the word "services" in line fifty, and substituting in lieu thereof the following:

"The clerk of the Superior Court shall be paid for his services rendered as hereinbefore described by the representative of said estate at the time of his qualification the sum of two (\$2.00) dollars for the first hour or portion thereof actually required for said services, and the sum of one (\$1.00) dollar for each additional hour or portion thereof actually required for said services, subject to a maximum fee of five (\$5.00) dollars, and in addition thereto he shall receive the same mileage as is now allowed by law to witnesses for going from his office to any place located in his county to perform such services."

Subsection (f) That Section twenty-one and one half (21½) is hereby further amended by inserting a new paragraph therein immediately following the first paragraph, which new paragraph shall read as follows:

"Notwithstanding any of the provisions of this section, in any case where a bank deposit has been heretofore made or is hereafter made, or where building and loan stock has heretofore been issued or is hereafter issued, in the names of a husband and wife and payable to either or the survivor of them, such bank or building and loan association may, upon the death of either of such persons, upon mailing notice to the Commissioner of Revenue in such form as may be prescribed by the commissioner stating the facts with respect to such deposits or stock, allow the survivor to withdraw as much as eighty per cent of such deposit or stock, and the balance thereof shall be retained by the bank or building and loan association to cover any taxes that may thereafter be assessed against such deposit or stock under this Act. When such taxes as may be due on such deposit or stock are paid, or when it is ascertained that there is no liability of such deposit or stock for taxes under this Act, the Commissioner of Revenue shall furnish the bank or building and loan association his written consent for the payment of the retained percentage to the survivor; and the Commissioner of Revenue may furnish such written consent to the bank or building and loan association upon the qualification of a personal representative of the deceased. No bank or building and loan association shall be liable for any failure to withhold the specified percentage of such deposit or stock if the same was paid out prior to actual notice of the death of the deceased."

"Subsection (g) That this section shall be effective from and after the ratification of this Act."

SEC. 2. Amendments to License Tax Article, Article II, Schedule B.

Fees allowed C. S. C. for certain services at time of qualification of representative.

Maximum fee.

Mileage.

Sec. 21½ further amended.

Bank deposits or building and loan stock owned jointly by husband and wife with right of survivorship.

Notice to Commissioner of Revenue.

Survivor may withdraw 80 per cent of deposit or stock.

Balance retained for payment of tax.

Payment of retained percentage.

Consent of Commissioner.

No liability for failure to withhold percentage in absence of notice of death.

Effective date of this section.

License Tax Article amended.

Sec. 100 amended. Subsection (a) That Section one hundred (100) is hereby amended by adding immediately after the first paragraph the following:

License hereunder not authority to practice profession, etc., without qualification license.

“Provided, the obtaining of a license required by this article shall not of itself authorize the practice of a profession, business, or trade for which a State qualification license is required.”

Sec. 100(c) rewritten.

Subsection (b) That Section one hundred (100) is hereby amended by striking out Subsection (c) and substituting in lieu thereof the following:

Certain State licenses not transferable.

“(c) The State license issued under Sections one hundred and nine (109), one hundred and ten (110), one hundred and eleven (111), one hundred and thirteen (113), one hundred and sixteen (116), one hundred and twenty-one (121), one hundred and twenty-two (122), one hundred and twenty-two and one half (122½), one hundred and twenty-two and three fourths (122¾), one hundred and twenty-three (123), one hundred and twenty-four (124) and one hundred and twenty-five (125) of this article shall be and constitute a personal privilege to conduct the profession or business named in the State license, shall not be transferable to any other person, firm or corporation and shall be construed to limit the person, firm or corporation named in the license to conducting the profession or business and exercising the privilege named in the State license to the county and/or city and location specified in the State license, unless otherwise provided in this article or schedule. Other license issued for a tax year for the conduct of a business at a specified location shall upon a sale or transfer of the business be deemed a sufficient license for the succeeding purchaser for the conduct of the business specified at such location for the balance of the tax year: Provided, that if the holder of a license under this schedule moves the business for which a license has been paid to another location, a new license may be issued to the licensee at a new location, for the balance of the license year, upon surrender of the original license for cancellation and the payment of a fee of five dollars (\$5.00) for each license certificate reissued.”

Geographical limitations for doing business under certain licenses.

Upon sale of business certain licenses sufficient for conduct of business by purchaser at same location.

Issuance of new license upon moving of business location.

Fee.

Sec. 105 amended.

Subsection (c) That Section one hundred and five (105) is hereby amended by striking out all of said section, except Subsections (b) and (c) thereof and substituting the following in lieu of the portion of said section so stricken out:

Moving pictures or vaudeville shows.

“Every person, firm, or corporation engaged in the business of operating a moving picture show or place where vaudeville exhibitions or performances are given or operating a theatre or opera house where public exhibitions or performances are given for compensation shall apply for and obtain in advance from the Commissioner of Revenue a State license for the

privilege of engaging in such business, and shall pay for such State license for each room, hall, or tent used the following tax:

	Seating Capacity up to 600 Seats	Seating Capacity of 600 to 1200 Seats	Seating Capacity over 1200 Seats	Tax graduated.
In cities or towns of less than 1,500 population	\$125.00	\$ 150.00	\$ 200.00	
In cities or towns of 1,500 and less than 3,000 population	200.00	250.00	300.00	
In cities or towns of 3,000 and less than 5,000 population	250.00	300.00	400.00	
In cities or towns of 5,000 and less than 10,000 population	350.00	400.00	600.00	
In cities or towns of 10,000 and less than 15,000 population	400.00	600.00	800.00	
In cities or towns of 15,000 and less than 25,000 population	500.00	800.00	1,000.00	
In cities or towns of 25,000 and less than 40,000 population	600.00	1,000.00	1,500.00	
In cities or towns of 40,000 population and over	800.00	1,500.00	2,500.00	

“(a) For any moving picture show operated more than two miles from the business center of any city having a population of twenty-five thousand, or over (for the purpose of this provision, the term ‘business center’ to be defined as the intersection of the two principal business streets of the city), the tax levied shall be one third of the above, based upon the population of the city in which such theatre is located or adjacent to.

Tax where operated more than 2 miles from business center of city.

“(b) For any moving picture show operated within the city limits or within one mile of the corporate limits of any city having a population of twenty-five thousand, or over, and known as neighborhood or suburban theatres, or for any theatre operated exclusively for colored people in a city having a population of ten thousand, or over, the tax levied shall be one third of the above tax, based upon the population of such city.

Tax on neighborhood theatres and on colored theatres.

“(c) For any moving picture show operated at bathing beaches or resort towns for less than six months each year, the tax levied shall be one half the annual tax provided above, based upon the population of the city or town in which such seasonal moving picture show shall be operated.

Tax on theatres at resorts.

Tax on theatres operated 3 days a week or less.

“(d) For any motion picture show operating three days or less each week, the tax levied shall be one half the annual tax provided above, based upon the population of the city or town in which such theatre is located.

Counties not to levy tax on business taxed under this section.

“(e) Counties shall not levy any license tax on the business taxed under the foregoing portion of this section, but cities and towns may levy a license tax not in excess of the tax levied by such city or town as of and in effect January first, one thousand nine hundred and forty-three.”

Cities and towns may levy certain taxes on such business.

Sec. 105 further amended.

That said Section one hundred and five (105) is hereby further amended by changing the designation of the subsections now numbered (b) and (c) to subsections (f) and (g).

Sec. 105 further amended.

That said Section one hundred and five (105) is hereby further amended by substituting a period for the comma after the word “merchandise” in the paragraph immediately following the tax schedule in the present Subsection (b), and by striking from said paragraph the following words: “the additional tax upon gross receipts to be levied and collected as provided in this section for motion picture shows, or in accordance with such regulations of payments as may be made by the Commissioner of Revenue,” and substituting in lieu thereof the following: “Reports shall be made to the Commissioner of Revenue in such form as he may prescribe within the first ten days of each month, covering all such gross receipts for the previous month and the additional tax herein levied shall be paid monthly at the time such reports are made. The annual license tax herein levied shall be treated as an advance payment of the tax upon gross receipts herein levied, and the annual license tax shall be applied as a credit upon or advance payment of the gross receipts tax.”

Reports to Commissioner of Revenue as to gross receipts.

Payment of tax.

License tax as advance payment on gross receipts tax.

Sec. 105 further amended.

That said Section one hundred and five (105) is hereby further amended by inserting in the present Subsection (c), which is hereafter to be designated Subsection (g), after the word “under” and before the word “this” the words “Subsection (f),” and by changing the last two words of said subsection from “this section” to “Subsection (f).”

Sec. 109 amended.

Subsection (d) That Section one hundred and nine (109) is hereby amended by striking out all of Subsection (d) thereof.

Sec. 109 amended.

Subsection (e) That Section one hundred and nine (109) is hereby amended by adding at the end of the fourth paragraph of said section the following:

Liability of certain persons for more than one privilege tax.

“If any person engages in more than one of the activities for which a privilege tax is levied by this section, such person shall be liable for a privilege tax with respect to each activity engaged in.”

Subsection (f) That Article II, Schedule B, is hereby amended by inserting between Section one hundred and nine (109) and Section one hundred and ten (110) a new section to be numbered one hundred and nine and one half (109½), which shall read as follows:

Art. II, Schedule B, amended.

“109½. Bondsmen. Every person, firm, or corporation, excepting agents of insurance or bonding companies which are licensed by the Commissioner of Insurance to issue bonds, engaged in the business of writing or executing, for a consideration, appearance, compliance, or bail bonds, or any type of bond or undertaking required in connection with criminal proceedings in any of the courts of this State, shall apply for and obtain from the Commissioner of Revenue a state-wide license for the privilege of engaging in such business and shall pay for such license the following tax:

Tax on professional bondsmen.

In cities or towns of less than 2,000 population .....	\$10.00
In cities or towns of 2,000 and less than 5,000 population ..	15.00
In cities or towns of 5,000 and less than 10,000 population ..	20.00
In cities or towns of 10,000 population or over .....	40.00

Rate of tax.

“Counties, cities and towns may levy a license tax on the business taxed under this section in an amount not in excess of the tax levied by the State.”

Counties, cities and towns may levy similar tax.

Subsection (g) That Section one hundred and twenty-one (121) is hereby amended by striking out the first paragraph of Subsection (b) and inserting in lieu thereof the following:

Sec. 121(b) amended.

“(b) Any person, firm, or corporation employing the service of another as peddler, whether on a salary or commission basis, or furnishing merchandise to be sold by a peddler under any kind of contractual agreement, shall be liable for the payment of the taxes levied above in this section, instead of the peddler.”

Employers liability for tax.

Subsection (h) That Subsection (a) of Section one hundred and twenty-six (126) is hereby amended by striking out the words “over fifteen dollars” in line nine, and inserting in lieu thereof the words “fifteen dollars and over.”

Sec. 126(a) amended.

Subsection (i) That Subsection (b) of Section one hundred and twenty-six (126) is hereby amended by striking out the words “over ten dollars” in line nine, and inserting in lieu thereof the words “ten dollars and over.”

Sec. 126(b) amended.

Subsection (j) That one hundred and twenty-nine (129) is hereby amended as follows:

Sec. 129 amended to exclude bowling alleys from operation of said section.

(1) By striking out in the caption thereof the words “and bowling alleys.”

(2) By striking out the second paragraph of said section which begins with the word “Every” in line fourteen and ends with the word “operated” in line nineteen.

(3) By striking out the words "bowling alley or alleys" in line three of Subsection (b).

(4) By striking out the words "bowling alley or alleys of like kind" in line seven of Subsection (b).

(5) By striking out the words "bowling alley or alleys of like kind," in line ten of Subsection (b).

(6) By striking out the words "bowling alley or alleys" in line sixteen of Subsection (b).

(7) By striking out the words "bowling alleys" in lines two and three of Subsection (c).

Article 12, Schedule B amended.

Subsection (k) That Article twelve, Schedule B, is hereby amended by inserting immediately after Section one hundred and twenty-nine (129) a new section to be numbered one hundred and twenty-nine and one half (129½), which shall read as follows:

Tax on bowling alleys.

"129½. Bowling alleys. Every person, firm, or corporation who shall rent, maintain, or own a building wherein there is a bowling alley or alleys of like kind shall apply for and procure from the Commissioner of Revenue a state license for the privilege of operating such bowling alley or alleys, and shall pay for such license a tax of ten dollars (\$10.00) for each alley kept or operated.

Certain organizations excepted.

"(a) This section shall not apply to fraternal organizations having a national charter, American Legion Posts, Young Men's Christian Associations, and Young Women's Christian Associations.

Cities and towns may prohibit operation of bowling alleys notwithstanding issuance of State license.

"(b) If the Commissioner of Revenue shall have issued any such State license to any person, firm, or corporation to operate any bowling alley or alleys, in any city or town, the board of aldermen or other governing body of such city or town shall have the right at any time, and notwithstanding the issuance of such State license, to prohibit any bowling alley or alleys of like kind within its limits, unless otherwise provided in its charter; and in the event any city or town shall exercise the right to prohibit the keeping and operation of such bowling alley or alleys of like kind, the Commissioner of Revenue shall refund the proportion of the tax thereof during the time which the right is not allowed to be exercised bears to the time for which the tax is paid. And, where the Commissioner of Revenue has issued any such license and the said bowling alley or alleys is or are to be, or are operated outside of the corporate limits of any incorporated city or town, the board of county commissioners may by resolution request that such license be revoked, and upon receipt of such resolution the Commissioner of Revenue shall forthwith revoke said license and refund the proportion of the tax thereof during the time which the right is not

Refunds in event of prohibition by local units.

Revocation of licenses issued to operators outside of towns upon resolution of County Commissioners.

Refund in event of revocation.

allowed to be exercised bears to the time for which the tax is paid.

“(c) Counties may levy a license tax on such bowling alley or alleys of like kind as are located outside of incorporated cities or towns, and cities and towns may levy a license tax upon such as are within the city limits, but in neither case shall the license tax so levied be in excess of the tax levied by the State.”

Local units may tax.

Subsection (1) That Subsection (3) of Section one hundred and thirty (130) is hereby amended by adding at the end thereof the following proviso:

Sec. 130(3) amended.

“Provided, that when application is made under this section for license to operate a machine vending bottled drinks or cigarettes, the applicant for such license shall specify the serial number of the license issued under Section one hundred and forty-four (144) or Section one hundred and forty-nine (149) of this article, as the case may be, and this serial number shall be placed upon the license issued for such machine.”

Requirements for application for license for machines vending bottled drinks and cigarettes.

Subsection (m) That Section one hundred and thirty-four (134) is hereby amended by striking out the schedule of taxes appearing therein under the heading “Low Pressure Equipment” which schedule is contained in the thirteenth through the eighteenth lines of said section, and inserting in lieu thereof the following:

Sec. 134 amended.

“51 spouts or greater capacity, low pressure filler .....	\$1,800.00
41 spouts and less than 51 spouts, low pressure filler ...	1,500.00
36 spouts and less than 41 spouts, low pressure filler ...	1,200.00
32 spouts and less than 36 spouts, low pressure filler ...	1,000.00
24 spouts and less than 32 spouts, low pressure filler ...	700.00
18 spouts and less than 24 spouts, low pressure filler ...	500.00
12 spouts and less than 18 spouts, low pressure filler ...	175.00”

Tax on low pressure equipment based on number of spouts.

That said Section one hundred and thirty-four (134) is further amended by striking out under the heading “High Pressure Equipment,” (1) the words and figures “two thousand five hundred dollars (\$2500.00)” appearing at the end of the first paragraph thereof, and substituting therefor the words and figures “one thousand two hundred dollars (\$1200.00)”; (2) the words and figures “two thousand dollars (\$2000.00)” appearing at the end of the second paragraph thereof, and substituting therefor the words and figures “one thousand dollars (\$1000.00)”; (3) the words and figures “one thousand dollars (\$1000.00)” appearing at the end of the third paragraph thereof, and substituting therefor the words and figures “seven hundred dollars (\$700.00)”; (4) the words and figures “one hundred fifty dollars (\$150.00)” appearing at the end of the fourth paragraph thereof, and substituting therefor the words and figures “one hundred five dollars (\$105.00)”;

Sec. 134 further amended as to tax on “High Pressure Equipment.”

and (5) the words and figures "one hundred dollars (\$100.00)" appearing at the end of the fifth paragraph thereof, and substituting therefor the words and figures "seventy dollars (\$70.00)."

Sec. 134 (a)  
amended.

Said Section one hundred and thirty-four (134) is hereby further amended by striking out in Subsection (a) Paragraph eight, line nine, the words "Whether in actual operation or not," and inserting in lieu thereof the words "if in actual operation."

Sec. 139  
amended.

Subsection (n) That Section one hundred and thirty-nine (139) is, hereby amended as follows:

(1) By striking out the following words in lines nine, ten, eleven, twelve, thirteen and fourteen:

"In cities and towns of less than 10,000 population:

Where not more than three (3) persons are employed \_\_\_\_ \$ 12.50  
Where more than three (3) persons are employed \_\_\_\_\_ 25.00

"In cities or towns of 10,000 population and over:

Where not more than three (3) persons are employed \_\_\_ 25.00  
Where more than three (3) persons are employed \_\_\_\_\_ 50.00"

and substituting in lieu thereof the following:

Tax based on  
population.

"In cities or towns of less than 1,000 population \_\_\_\_\_ \$ 15.00  
In cities or towns of 1,000 and less than 5,000 population\_ 30.00  
In cities or towns of 5,000 and less than 10,000 population 60.00  
In cities or towns of 10,000 and less than 20,000 population 90.00  
In cities or towns of 20,000 and less than 50,000 population 120.00  
In cities or towns of 50,000 population and over \_\_\_\_\_ 150.00

Tax on establish-  
ments employing  
4 or less em-  
ployees, in cities  
of 5,000 popula-  
tion or over.

"Provided: that pressing clubs, cleaning plants, and/or hat blocking establishments, as same are defined in this section in cities or towns of 5,000 population or over, employing four or less operators or employees, including the owner if he works in said plant, shall be liable for only one half the amount of license tax specified above."

Sec. 139 further  
amended.

(2) By striking out in lines twenty-nine and thirty the words "Cities and towns, respectively may levy a license tax not in excess of that levied by the State," and substituting in lieu thereof the following:

Tax permitted to  
be imposed by  
cities and towns.

"Cities and towns of under 10,000 population may levy a license tax not in excess of \$25.00; cities and towns of 10,000 population and over may levy a license tax not in excess of \$50.00."

Sec. 139 further  
amended.

(3) By striking out the last two paragraphs thereof.

Sec. 140, amended  
as to tax rate  
of tax.

Subsection (o) That Section one hundred and forty (140) is hereby amended by striking out the figures "5.00" in line nine (9), and substituting in lieu thereof the figures "2.50."

Subsection (p) That Subsection (c) of Section one hundred and forty-seven (147) is hereby amended by inserting in line four between the words "aforesaid" and "may," the words "does business."

Sec. 147 (c)  
amended.

Subsection (q) That Section one hundred and fifty (150) is hereby amended by striking out the last two paragraphs and substituting in lieu thereof the following:

Sec. 150 amended.

"In addition to the annual tax levied in this section, there is hereby levied a tax of one per cent (1%) on the gross receipts of such laundries, as the same are defined in this section, or of such persons, firms or corporations supplying or renting clean linen or towels. The word 'laundry' or 'laundries' as hereafter used in this section, shall include laundries as defined in this section and persons, firms, or corporations renting clean linen or towels. Laundries shall add to the amount charged each customer, except those exempted herein one per cent (1%) of said amount and this added amount shall be paid by each customer as a tax. Provided, the failure of any laundry to add, and collect from its customers one per cent (1%) of the amount charged its customers shall not relieve said laundry from liability for the tax herein imposed. Reports shall be made to the Commissioner of Revenue in such form as he may prescribe within the first ten days of each month, covering all such gross receipts for the previous month, and the tax herein levied shall be paid monthly at the time such reports are made. There shall be excluded from the gross receipts taxed under this section, all sales to the United States Government, the State of North Carolina or any agency or subdivision thereof, and sales to charitable or religious organizations or institutions, and hospitals not operated for profit.

Additional tax  
on laundries  
renting linen,  
etc.

Word "laundries"  
to include per-  
sons renting  
linen, etc.

Amount of addi-  
tional tax.

To be paid by  
customer.

Laundry liable  
through failing  
to collect tax  
from customer.

Reports to Com-  
missioner of  
Revenue.

Payment of  
tax.

Certain sales  
exempted.

"Failure to file reports herein prescribed and pay the tax shown to be due thereon, within the time prescribed, shall subject such laundries to a penalty of five per centum per month of the amount of tax due from the date the tax is due. If the taxpayer shall refuse to make the reports required under this section, then such reports shall be made by the commissioner or his duly authorized agents from the best information available, and such reports shall be prima facie correct for the purpose of this article, and the amount of tax due thereby shall be a lien against all the property of the taxpayer until discharged by payments, and if payment not be made within thirty days after demand therefor by the commissioner or his duly authorized agents, there shall be added not more than one hundred per centum as damages, together with interest at the rate of one per centum per month from the time such tax was due. If such tax be paid within thirty days after notice by the commissioner, then there shall be added not

Penalty for  
failure to file  
report and pay  
tax.

Consequences of  
refusal to make  
reports.

Tax a lien on  
property.

Penalty.

more than ten per centum as damages per month from the time such tax was due until paid.

Extension of time for making reports.

“The commissioner for good cause may extend the time for making any report required under the provisions of this section, and may grant such additional time within which to make such report as he may deem proper, but the time for filing any such report shall not be extended beyond the fifteenth day of the month next succeeding the regular due date of such report. If the time for filing a report be extended, interest at the rate of one half of one per centum per month from the time the report was required to be filed to the time of payment shall be added and paid.”

Interest where extension granted.

Sec. 151, relating to outdoor advertising, amended.

Subsection (r) That Section one hundred and fifty-one (151) is hereby amended by striking out Subsections (k) and (l). Said Section one hundred and fifty-one (151) is hereby further amended by deleting the last proviso of the second paragraph of Subsection (m), substituting a period for the colon after the word “counties,” which word immediately precedes said proviso, and by changing the designation of said subsection from (m) to (k).”

Sec. 168 amended to exclude certain dealers in scrap and salvage committees.

Subsection (s) That Section one hundred and sixty-eight (168) is hereby amended by substituting a semicolon for the period after the word “tax” at the end of said section and adding thereto the following:

“and provided further, the licenses levied herein shall not apply to persons engaged in the collection of scrap, who maintain no regular place of business, but sell only to licensed dealers or manufacturers using scrap engaged in shipment in interstate commerce; and further that salvage committees operating, under State or Federal sponsorship, community scrap yards where personal profit does not accrue, shall not be required to pay license under this Act.”

Art. II, Schedule B, amended.

Subsection (t) That Article II, Schedule B, is hereby amended by inserting immediately after Section one hundred and ninety-one (191), a new section to be designated one hundred and ninety-two (192), which shall read as follows:

#### SEC. 192:

Taxes levied under this article privilege taxes.

The license taxes levied under this article upon the business of selling particular kinds of merchandise or commodities are levied for the privilege of engaging in the business of selling such articles, merchandise or commodities in the normal course of business.

Taxes payable in advance.

The taxes are required to be paid in advance at the beginning of the tax year with no provision for refund for any cause with possible exception of the indirect method prescribed by the one thousand nine hundred and forty-three amendment to

Refunds.

the Revenue Act providing for the transfer of such licenses under certain conditions.

War conditions have affected business licenses levied under Schedule B more than any other taxes levied by the State.

Under war conditions priorities, rationing, and restrictions upon the sale of particular articles of merchandise have so restricted business opportunities in many lines as to make the application of the license taxes now levied wholly unreasonable, and relief must be granted to those businesses which have suffered severely, and provisions must be made to provide relief for those businesses which will suffer severely before the convening of the next General Assembly; therefore, Schedule B license privilege taxes levied by the State under this article are reduced as follows:

(a) The taxes levied by the State under Section 117 are reduced 50%.

(b) The taxes levied by the State under Section 119 are reduced 50%.

(c) The taxes levied by the State under Section 126½ are reduced 50%.

(d) The taxes levied by the State under Section 132 are reduced 50%.

(e) The taxes levied by the State under Section 144 are reduced 50%.

(f) The taxes levied by the State under Section 147 are reduced 50%.

(g) The taxes levied by the State under Section 153 are reduced 75%.

(h) The taxes levied by the State under Section 161 are reduced 30%.

(i) The taxes levied by the State under Section 162½ are reduced 75%.

(j) The taxes levied by the State under Section 151 are reduced 50%.

The reductions in taxes herein authorized shall not be applicable to counties, cities and towns. It is the intent of this section that counties, cities and towns may continue to levy privilege taxes within the same limits authorized by the Revenue Act of one thousand nine hundred and thirty-nine, as amended, prior to the enactment of this section.

This section shall be in full force and effect from and after its ratification, but the reductions in license taxes authorized herein shall be effective only from and after June first, one thousand nine hundred and forty-three.

This section shall be in effect until June first, one thousand nine hundred and forty-five.

Effect of War on business licenses.

Business opportunities in many lines restricted.

Relief to certain businesses.

Certain license privilege taxes reduced.

Reductions inapplicable to counties, cities and towns.

Effective date of this section.

Effective date of reduction of license taxes.

This section effective until June 1, 1945.

- Effective date of this section. Subsection (u) That except as otherwise expressly provided in this section, the provisions of this section shall be in full force and effect on and after June the first, one thousand nine hundred and forty-three.
- Franchise Tax Article amended. SEC. 3. Amendments to the Franchise Tax Article, Article III, Schedule C.
- Sec. 201 amended. Subsection (a) That Section two hundred and one (201) is hereby amended by striking out the last sentence and substituting in lieu thereof the following:
- Period for which taxes are levied hereunder. "The taxes levied in this article or schedule shall be for the fiscal year of the State in which said taxes become due."
- Sec. 208(1) amended. Subsection (b) That Section two hundred and eight (208) is hereby amended by striking out the first paragraph of Subsection (1) (a) and substituting in lieu thereof the following:
- Tax on smaller insurance companies. "When the paid in capital stock and/or surplus of an insurance company does not exceed one hundred thousand dollars, (\$100,000.00), the license tax levied in Subsection one shall be one half the amount named."
- Sec. 208(2), relating to tax on workmen's compensation insurance, amended. Subsection (c) That Subsection two (2) of Section two hundred and eight (208) is hereby amended by striking out the word "one fifth" in the third line of the first proviso, and inserting in lieu thereof the words "fifteen per centum."
- Sec. 210(2), relating to franchise tax on corporations, amended. Subsection (d) That Subsection (2) of Section two hundred and ten (210) is hereby amended by striking out the sentence beginning with the word "Every" in line eight and ending with the word "Act" in line fifteen. Said Subsection (2) is further amended by striking out the second paragraph and inserting in lieu thereof the following:
- Sec. 210(2) further amended.
- Determination of franchise tax base for subsidiary corporations. "Every corporation doing business in this State which is a subsidiary of another corporation shall add to its capital stock, surplus and undivided profits all indebtedness owed to or endorsed or guaranteed by the parent corporation as a part of the capital used in its business in this State, and as a part of the base for franchise tax under this article. The term 'indebtedness' used in this paragraph shall include all loans, credits, goods, supplies or other capital of whatsoever nature furnished by the parent corporation, or by any subsidiary of the parent corporation. The term 'subsidiary corporation' as used in this paragraph shall mean any corporation, a majority of stock in which is owned by a parent corporation. The term 'parent corporation' shall include any subsidiary of the parent corporation. If any part of the capital used by the parent corporation is borrowed capital, the subsidiary may deduct from its indebtedness to the parent corporation such
- Definitions:
- "Indebtedness."
- "Subsidiary corporation."
- "Parent corporation."
- "Deduction where capital used by parent corporation is borrowed.

proportion of its indebtedness as the indebtedness of the parent corporation is to the total assets of such corporation."

Subsection (e) That Section two hundred and ten (210) is hereby amended by changing the subdivision of Subsection (3) thereof designated as "(D)" to Subdivision "(E)," and by inserting between the subdivisions now designated as "(C)" and "(D)" a new subdivision to be designated as Subdivision "(D)," which shall read as follows:

Sec. 210(3)  
amended.

"(D). If any corporation believes that the method of allocation or apportionment hereinbefore described as administered by the Commissioner of Revenue has operated or will so operate as to subject it to taxation on a greater portion of its capital stock, surplus, and undivided profits than is reasonably attributable to business within the State, it shall be entitled to file with the commissioner a petition setting forth the facts upon which its belief is based and its argument with respect to the application of the allocation formula. This petition shall be filed in such form and within such time as the commissioner may prescribe. If, after a consideration of the matters involved, it shall be found by the commissioner upon evidence offered which is clear, cogent and convincing that the application of the allocation formula subjects the corporation to taxation on a greater portion of its capital stock, surplus and undivided profits than is reasonably attributable to business within this State, the commissioner shall be authorized to add to the factors of the applicable allocation formula, or substitute for one of the factors of the applicable allocation formula, depending upon whether such addition or such substitution in the opinion of the commissioner more accurately reflects the capital stock, surplus, and undivided profits attributable to this State, the following factor:

Where allocation formula deemed improper corporation may petition Commissioner.

Commissioner authorized to adjust allocation formula in certain instances.

"The ratio of the expenditure of the wages, salaries, commissions, or other compensation of whatsoever kind to its officers or employees, assignable to this State as hereinafter provided, to the total expenditure of the corporation for wages, salaries, commissions, or other compensation of whatsoever kind to all its officers or employees. The amount assignable to this State of the expenditure of the corporation for wages, salaries, commissions or other compensation to its officers or employees shall be such expenditure for the taxable year as represents the compensation of officers or employees not chiefly situated at, connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the State.

Additional or alternative factor which may be considered.

"The relief herein authorized shall be granted by the commissioner only in cases of clear, cogent, and convincing proof that the petitioning taxpayer is entitled thereto. There shall be a presumption that the allocation formulae prescribed in

Relief granted only in clear cases.

Allocation formulae presumed accurate.

Alternative factor to be used only upon order of Commissioner.

Income Tax Article amended.

Sec. 311 amended.

Where allocation formula deemed improper corporation may petition Commissioner.

Commissioner authorized to adjust allocation formula in certain instances.

Additional or alternative factor which may be considered.

Subsection (3) of this section reasonably attribute to North Carolina the proportion of the corporation's capital stock, surplus and undivided profits used in connection with its business in this State, and the burden shall rest upon the corporation to show the contrary. No corporation shall use this alternative factor in making a franchise tax report or return to this State except upon order in writing of the commissioner, and any return in which the alternative factor is used without the permission of the commissioner shall not be a lawful return.

SEC. 4. Amendments to the Income Tax Article, Article IV, Schedule D.

Subsection (a) That Section three hundred and eleven (311) is hereby amended by adding the following to the end of said section:

"4. If any corporation believes that the method of allocation or apportionment hereinbefore described as administered by the Commissioner of Revenue has operated or will so operate as to subject it to taxation on a greater portion of its net income than is reasonably attributable to business or earnings within the State, it shall be entitled to file with the commissioner a petition setting forth the facts upon which its belief is based and its argument with respect to the application of the allocation formula. This petition shall be filed in such form and within such time as the commissioner may prescribe. If, after a consideration of the matters involved, it shall be found by the commissioner upon evidence offered which is clear, cogent and convincing that the application of the allocation formula subjects the corporation to taxation on a greater portion of its income or earnings than is reasonably attributable to business or earnings within this State, the commissioner shall be authorized to add to the factors of the applicable allocation formula, or substitute for one of the factors of the applicable allocation formula, depending upon whether such addition or such substitution in the opinion of the commissioner more accurately reflects the income attributable to this State, the following factor:

"The ratio of the expenditure of the wages, salaries, commissions, or other compensation of whatsoever kind to its officers or employees, assignable to this State as hereinafter provided, to the total expenditure of the corporation for wages, salaries, commissions, or other compensation of whatsoever kind to all its officers or employees. The amount assignable to this State of the expenditure of the corporation for wages, salaries, commissions or other compensation to its officers or employees shall be such expenditure for the taxable year as represents the compensation of officers or employees not chiefly situated at,

connected with or sent out from premises for the transaction of business owned or rented by the corporation outside the State.

"The relief herein authorized shall be granted by the commissioner only in cases of clear, cogent, and convincing proof that the petitioning taxpayer is entitled thereto. There shall be a presumption that the allocation formulae prescribed in Subdivisions one (1), two (2), and three (3) of Part II of this section reasonably attribute to North Carolina the proportion of the corporation's income earned in this State, and the burden shall rest upon the corporation to show the contrary. No corporation shall use this alternative factor in making a report or return of its income to this State except upon order in writing of the commissioner, and any return in which the alternative factor is used without the permission of the commissioner shall not be a lawful return."

Relief granted only in clear cases.

Allocation formulae presumed accurate.

Alternative factor to be used only upon order of Commissioner.

Subsection (b) That Section three hundred and seventeen (317), Subdivision one (1), is hereby amended by adding to the second paragraph of said subdivision the following:

Sec. 317(1) amended.

"Provided, that during the continuance of the second World War persons serving in the armed forces of the United States, military, naval, marine or coast guard, shall not be required to include in gross income their salary compensation for such service from the Government of the United States. This exemption shall not extend to any other income of person serving in the armed forces."

Income for service in Armed Forces during second World War excluded.

This proviso to apply as of January first, one thousand nine hundred and forty-two.

Effective date of this provision.

Subsection (c) That Subdivision two (2) of Section three hundred and seventeen (317) is hereby amended by striking out Paragraph (f) and inserting in lieu thereof the following:

Sec. 317(2) amended.

(f) In the case of domestic insurance companies or associations paying a tax on their gross premiums the following shall be excluded from gross income in addition to the above: (a) the net addition required by law to be made within the taxable year to reserve funds, including the actual deposit of sums with the Commissioner of Insurance or the Treasurer of the State, pursuant to the law, as additions to guarantee or reserve funds for the benefit of policyholders; (b) the net addition to special contingency reserve funds established to cover possible losses arising from the increased mortality rates due to war, such an amount not to exceed ten per centum of the amount of reserves on life, annuity and endowment contracts allowed under Subdivision (a) of this paragraph; and (c) an amount equal to the sums paid within the taxable year to policyholders on policy and annuity contracts. No exclusion shall be allowed under Subdivision (b) of this paragraph except for amounts transferred to such special contingency reserves as shall have

Additional exclusions from gross income in case of domestic insurance companies:

Allocations to reserve funds.

Allocations to special war contingency reserve funds.

Sums paid to policy holders.

been established with the approval of the Commissioner of Insurance separate from the general surplus of any of said domestic insurance companies or associations, and which shall continue to be subject to the supervisory control of the Commissioner of Insurance as to the ultimate use or disposal of said special contingency reserves. If such special contingency reserves are released by the Commissioner of Insurance to the general surplus as reserves, they shall be considered taxable income to the company. This paragraph shall be in effect on and after January first, one thousand nine hundred and forty-three.

Effective date of this paragraph.

Sec. 318(3) amended.

Subsection (d) That Subsection three (3) of Section three hundred and eighteen (318) is hereby amended by adding at the end thereof the following:

Business owned by nonresident individual or by partnership having nonresident member.

Manager to make return and pay tax for nonresident.

Exemptions and deductions for such nonresidents.

Payment made for nonresident may be deducted from his distributive share of profits.

"If an established business in this State is owned by a nonresident individual or by a partnership having one or more nonresident members, the manager of the business in this State shall report the earnings of such business in this State, and the distributive share of the income of each nonresident owner or partner and pay the tax as levied on individuals in this Act for each such nonresident owner or partner. The exemption and other deductions allowed individuals in this Act may be deducted on a pro rata basis if the nonresident owner or partner furnishes to the manager of such business in this State complete information as to the total net income and total deductions allowable under this Act to residents of this State, so that the same may be prorated in proportion to the income and deductions in this State and in the State of residence. The individual or partnership business carried on in this State may deduct the payment required to be made for such nonresident individual or partner or partners from their distributive share of the profits of such business in this State."

Sec. 318½ amended.

Subsection (e) That Section three hundred and eighteen and one half (318½) is hereby amended by striking out the second paragraph and inserting the following in lieu thereof:

Interest on indebtedness owed by subsidiary to parent corporation not deductible in certain cases.

Definitions:

"Indebtedness."

"Subsidiary corporation."

"Parent corporation."

"Every subsidiary of a parent corporation doing business in this State shall not be allowed to deduct interest on indebtedness owed to or endorsed or guaranteed by the parent corporation and used by the subsidiary in carrying on its business in this State. The term 'indebtedness' used in this paragraph shall include all loans, credits, goods, supplies or other capital of whatsoever nature furnished by the parent corporation, or by any subsidiary of the parent corporation. The term 'subsidiary corporation' as used in this paragraph shall mean any corporation, a majority of stock in which is owned by a parent corporation. The term 'parent corporation' shall include any subsidiary of the parent corporation. If any part of the capital used by the parent corporation is borrowed capital, the sub-

subsidiary may deduct from its gross income interest paid to the parent corporation in such proportion as the borrowed capital of the parent corporation is to the total assets of such parent corporation. The term 'borrowed capital' used in this paragraph shall include all loans and credits obtained by the parent corporation and also all goods, supplies or other capital of whatever nature borrowed by the parent corporation."

"Borrowed capital."

Subsection (f) That Section three hundred and twenty (320) is hereby amended by striking out the paragraph numbered "3" and inserting in lieu thereof the following:

Sec. 320(3) rewritten.

"3 (a) No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

Exchanges of securities by corporations parties to reorganization.

"(b) No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

Exchanges of property for securities by corporations parties to reorganization.

"(c) As used in this section, the term 'reorganization' includes a statutory merger or consolidation, a transfer by a corporation of all or a part of its assets to another corporation, if immediately after the transfer the transferor or its shareholders, or both, are in control of the corporation to which the assets are transferred, or a recapitalization, or a mere change in identity, form, or place of organization, however effected.

"Reorganization" defined.

"(d) As used in this section, the term 'a party to a reorganization' includes the corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another, and the term 'control' means the ownership of stock possessing at least eighty (80) per cent of the total combined voting power of all classes of stock entitled to vote and at least eighty (80) per cent of the total number of shares of all other classes of stock of the corporation."

"A party to a reorganization" defined.

Subsection (g) That Section three hundred and twenty-two (322) be amended as follows:

Sec. 322(3) amended.

(1) by deleting the period after the word "article" in Subsection three (3), line four (4), and by adding the words "and except interest paid by a subsidiary to a parent corporation as defined in Section three hundred and eighteen and one half (318½)."

Interest paid by subsidiary to parent corporation not deductible.

(2) By adding at the end of Subsection four (4), the following:

Sec. 322(4) amended.

Definition of "income taxes" for purpose of this section.

"'Income taxes' which are not allowed to be deducted under this section shall be construed to include taxes that are in fact based upon net income, although such taxes may be levied in another state as franchise or excise taxes. The exclusion or deduction of income taxes in another state shall in each case depend upon whether the tax was in fact a tax upon net income by whatever name called."

Sec. 322(10) amended.

(3) By adding at the end of Subsection ten (10), the following:

Treatment of gain or loss to N. C. resident from business or investment in State levying no income tax.

"Provided, however, that resident individuals or domestic corporations who or which have an established business or investment in another state which does not levy an income tax shall treat any gain or loss from such business or investment as though it occurred from a business or investment in North Carolina.

Income earned and taxed in another state by franchise or excise tax deductible, if tax is on net income.

"The provision in this subsection for deductions of income that is earned and taxed in another state as net income shall be construed to include income that is earned and taxed in another state, although such tax may be levied in another state as franchise or excise taxes. The deduction of income earned and taxed in another state shall depend upon whether the tax was in fact a tax upon net income by whatever name called."

Sec. 322(6) amended.

(4) By adding at the end of Subsection six (6) the following:

Losses permitted to be carried forward.

"Losses may be carried forward by the taxpayer for two succeeding tax years as a credit against income received in either of the two succeeding years subject to the following limitations: First, no carry-over loss shall accrue from any tax year except to the extent that the loss of such year shall exceed any income not taxable under this Act received in the same year; Second, the carry-over loss from any prior year or years may be deducted from the taxable income of any tax year only to the extent that such carry-over loss shall exceed any nontaxable income received in such tax year; and Third, any loss carry-over from the sale of securities may be deducted only from gains from the sale of securities in the two succeeding years. The deduction authorized herein shall be permitted in determining any income tax which shall become due and payable on or after January first, one thousand nine hundred and forty-four."

Limitations.

Effective date of this deduction.

Sec. 322 amended by adding new subsection.

(5) By adding a new Subsection five and one half (5½) to read as follows:

Certain interest received by parent corporation from subsidiary deductible.

"(5½) Interest received by a parent corporation on indebtedness owed to it by a subsidiary corporation doing business in North Carolina, which, in the determination of the taxable net income of such subsidiary corporation was not allowed as

a deduction from gross income under the provisions of Section three hundred and eighteen and one half (318½).”

(6) By striking out and repealing all of Subsection nine (9), and inserting the following in lieu thereof: Sec. 322 (9) rewritten.

“9. Contributions or gifts made by individuals, firms, partnerships and corporations within the income year to corporations, trusts, community chests, funds, foundations or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual: Provided, that in the case of such contributions or gifts by corporations and partnerships, the amount allowed as a deduction hereunder shall be limited to an amount not in excess of five (5%) per centum of the corporation’s or partnership’s net income, as computed without the benefit of this subdivision. This subsection shall be in full force and effect as of January first, one thousand nine hundred and forty-three.” Deduction for contributions by individuals, corporations, etc.  
  
Limitation on deductions by corporations and partnerships.  
  
Effective date of this subsection.

Subsection (h) That Section three hundred and twenty-three (323) is hereby repealed and the following inserted in lieu thereof: Sec. 323 rewritten.

“SECTION 323. Items not deductible.

“In computing net income no deduction shall in any case be allowed in respect of: Items not deductible:

- (a) Personal, living, or family expenses. Living expenses.
- (b) Any amount paid out for new buildings or for permanent improvements or betterments, made to increase the value of any property or estate. Betterments.
- (c) Premiums paid on any life insurance policy. Life insurance premiums.
- (d) Income, excess profits and gift taxes, including Federal tax on undistributed earnings. Income, etc., taxes.
- (e) Social Security and unemployment tax paid by employee. Social Security, etc., taxes paid by employee.
- (f) Contributions to individuals. Contributions to individuals.
- (g) Commutation expenses. Commutation expenses.

“This amendment shall be in full force and effect as of January first, one thousand nine hundred and forty-three.” Effective date of this amendment.

Subsection (i) That Section three hundred and twenty-four (324) is hereby amended by striking out the second paragraph of Subsection one (f) and inserting in lieu thereof the following: Sec. 324 (1) amended.

Exemption for deceased individuals.

"In the case of a fiduciary filing a return for the net income received during the income year of a deceased resident or nonresident individual who has died during the tax year or income year without having made a return, two thousand dollars (\$2000.00) if the individual was a married man, and one thousand dollars (\$1000.00) if the individual was single or a married woman not qualifying as 'head of a household.'"

Sec. 325 amended.

Subsection (j) That Section three hundred and twenty-five (325) is hereby amended by designating the present section as Paragraph one (1) and by adding the following as Paragraph two (2):

Credit to non-resident for income tax payable to state of residence on income earned in N. C.

"2. Whenever a taxpayer other than a resident of the State has become liable to income tax to the state or country where he resides upon his net income for the taxable year, derived from sources within this State and subject to taxation under this article, the Commissioner of Revenue shall credit the amount of income tax payable by him under this article with such proportion of the tax so payable by him to the state or country where he resides as his income subject to taxation under this article bears to his entire income upon which the tax so payable to such other state or country was imposed: Provided, that such credit shall be allowed only if the laws of said state or country (1) grant a substantially similar credit to residents of this State subject to income tax under such laws, or (2) impose a tax upon the personal incomes of its residents derived from sources in this State and exempt from taxation the personal incomes of residents of this State. No credit shall be allowed against the amount of the tax on any income taxable under this article which is exempt from taxation under the laws of such other state or country. The exemption of credits allowed in this subsection shall not apply to the income of established unincorporated businesses in this State subject to tax under Subsection three (3) of Section three hundred and eighteen (318)."

Limitations on granting of such credit.

Exemption of credits not applicable to certain unincorporated businesses.

Sec. 326(1) rewritten.

Subsection (k) That Section three hundred and twenty-six (326) is hereby amended by striking out Subsection one (1) and inserting in lieu thereof the following:

Persons required to make returns:

"1. The following persons shall file with the Commissioner of Revenue an income tax return under affirmation, showing therein specifically the items of gross income and the deductions allowed by this article, and such other facts as the commissioner may require for the purpose of making any computation required by this article:

Single persons with net income exceeding \$1000.00.

(a) Every resident and nonresident who is a single person and who has a net income during the income year of over one thousand dollars (\$1000.00) which is taxable in this State.

(b) Every resident or nonresident who is married but is not living with his or her wife or husband, and who has a net income during the income year of over one thousand dollars (\$1000.00) which is taxable in this State.

Married person with net income exceeding \$1000.00 not living with spouse.

(c) Any resident or nonresident married woman, whether or not she is living with her husband, who has a net income during the income year of over one thousand dollars (\$1000.00) which is taxable in this State.

Married woman with net income exceeding \$1000.00.

(d) Every resident or nonresident man who is married and is living with his wife, and who has a net income during the income year of over two thousand dollars (\$2000.00), which is taxable in this State.

Married man with net income exceeding \$2000.00 living with wife.

(e) Every resident or nonresident who is 'head of a household' as defined in Section three hundred and twenty-four (324) (1) (b) and who has a net income during the income year of over two thousand dollars (\$2000.00) which is taxable in this State.

"Head of household" with net income exceeding \$2000.00.

(f) Every resident of this State having a gross income from a business, agency or profession in excess of five thousand dollars (\$5000.00).

Resident having gross income exceeding \$5000.00 from business, etc.

(g) Every nonresident having a gross income from a business, agency or profession within this State in excess of five thousand dollars (\$5000.00).

Nonresident having gross income exceeding \$5000.00 from business within State.

(h) Every resident or nonresident who is a widow or widower, having minor child or children, natural or adopted, and who has a net income during the income year of over two thousand dollars (\$2000.00) which is taxable in this State.

Widow or widower with net income exceeding \$2000.00 with minor child.

(i) Every resident or nonresident who has an income during the income year from sources both within and without this State in excess of the prorated exemption provided for by Section three hundred and twenty-four (324) (2).

Certain persons having income from sources within and without State.

(j) Every partnership having a place of business in the State as provided in Section three hundred and twenty-eight (328).

Partnerships.

(k) Every corporation doing business in this State.

Corporations.

(l) Any person or corporation whom the commissioner believes to be liable for a tax under this article, when so notified by the commissioner and requested to file a return."

Persons or corporations requested by Commissioner to file return.

Subsection (l) That Section three hundred and twenty-nine (329) is hereby amended by striking out the last paragraph and inserting in lieu thereof the following:

Sec. 329 amended.

"There shall be annexed to the return the affirmation of the taxpayer making the return in the following form: 'I hereby

Affirmation of taxpayer.

## Form.

affirm that this return, including the accompanying schedules and statements (if any) has been examined by me, and, to the best of my knowledge and belief, is true and complete and is made in good faith covering the taxable period stated, pursuant to the Revenue Act of one thousand nine hundred and thirty-nine, as amended and the regulations issued under authority thereof, and that this affirmation is made under the penalties of perjury. The return shall also be signed by a competent witness of the signature.' Any individual who wilfully makes and subscribes a return which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury. The commissioner shall cause to be prepared blank forms for the said returns, and shall cause them to be distributed throughout the State, and to be furnished upon application; but failure to receive or secure the form shall not relieve any taxpayer from the obligation of making any return herein required."

Wilful making of return not believed to be true made felony.

Penalties.

Blank forms furnished.

## Sec. 332 amended.

Subsection (m) That Section three hundred and thirty-two (332) is hereby amended by striking out all of the first paragraph of said section after the period following the word "return" in line four and by adding in lieu thereof the following:

Tax payable in four installments.

"The amount of said tax may be paid in four equal installments, one fourth at the time of filing the report, one fourth on or before June fifteenth, one fourth on or before September fifteenth, and one fourth on or before December fifteenth. Such deferred payments may be made with interest at four (4%) per cent, but if any deferred payment is not made when due, the whole amount of deferred payments shall become due and interest at the rate of four (4%) per cent per annum shall be added to such deferred payment from March fifteenth until paid. This provision for deferred payments shall become effective as of January first, one thousand nine hundred and forty-four."

Interest on deferred payments at 4%.

Acceleration.

Effective date of this provision.

Sec. 332(2) amended to reduce interest rate where time for filing return extended.

That Section three hundred and thirty-two (332) is amended by striking out in Paragraph two (2) the words and figures "six per cent (6%)" and substituting therefor the words "four per cent (4%)."

Sales Tax Article amended.

SEC. 5. Amendments to the Sales Tax Article, Article V, Schedule E.

Sec. 405(c) amended.

Subsection (a) That Subsection (c) of Section four hundred and five (405) is hereby amended by adding at the end thereof the following:

Tax on motor vehicles where chassis purchased separately from body.

"It is declared to have been the purpose of this subsection that whenever a motor vehicle chassis is or has been purchased separately from the body which is thereafter installed thereon, the maximum tax herein levied shall be imposed only on the

sale of the chassis and no additional tax shall be imposed upon the body mounted upon the same. It is not the intention of this section to impose any tax upon a body mounted upon the chassis of a motor vehicle which temporarily enters the State for the purpose of having such body mounted thereon by the manufacturer thereof. The Commissioner of Revenue is authorized to cancel any taxes assessed contrary to the provisions hereof."

No tax on body mounted on chassis temporarily entering State to have such body mounted by manufacturer.

Cancellation of taxes assessed contrary to this section.

Subsection (b) That Subsection (d) of Section four hundred and six (406) is hereby amended by striking out the words "to the Federal Government or" in line eight, and also by striking out the word "Federal" and the comma immediately thereafter in line eleven, and by adding to the end of said Subsection (d) the following paragraph:

Sec. 406(d) amended.

"Where any person, firm or corporation has entered into a contract with the Federal, State, or local governments, or any agency thereof, or with any private person, firm or corporation, or other party whatsoever, to manufacture or fabricate tangible personal property including ships, boats, aircraft, equipment, ordnance, or any other products or articles of commerce, for cost or for cost plus a fixed fee, sales to such manufacturer or fabricator of materials which shall enter into and become an ingredient or component part of the product manufactured or fabricated shall not be subject to retail sales tax or use tax."

Certain sales of materials to manufacturers or fabricators of tangible personal property exempt from retail sales tax.

Subsection (c) That Section four hundred and six (406) is hereby amended as follows:

Sec. 406 amended.

(1) By striking out Paragraph (p) and changing the present Paragraph (q) to (p).

(2) By inserting a new paragraph which shall be designated Paragraph (q) to immediately follow the paragraph above changed to (p), which shall read as follows:

"(q) Sales of tangible personal property to hospitals not operated for profit, churches, orphanages, and other charitable or religious institutions or organizations not operated for profit, and educational institutions principally supported by the State of North Carolina, when such tangible personal property is purchased for use in carrying on the work of such institutions or organizations."

Sales tax not applicable to certain sales to churches, etc.

(3) By inserting a new Subsection (r) to immediately follow the new Paragraph (q), added above, which shall read as follows:

Sec. 406 further amended.

"(r) Sales of crutches, and sales of artificial limbs, artificial eyes, artificial hearing devices, when the same are designed to be worn on the person of the owner or user, and sales of orthopedic appliances."

Sales tax not applicable to certain sales of crutches, artificial limbs, etc.

- Sec. 407 amended. Subsection (d) Amend Section four hundred and seven (407) by adding after the period following the word "taxpayer" at the end of the first paragraph the following:
- Discount allowed. "Every taxpayer who pays the tax imposed by this article and Article IX, Schedule I, shall be entitled to deduct from the amount of the tax for which he is liable and which he actually pays, a discount of three per cent (3%). Provided, however, the commissioner may deny a taxpayer the benefits of this subsection for failure to pay the full tax when due, as well as in cases of fraud, evasion, and failure to keep accurate and clear records as provided in Section four hundred and six (406) of the Revenue Act of one thousand nine hundred and thirty-nine, as amended through one thousand nine hundred and forty-one. Provided, further, that in order to secure the benefits of this subsection, the taxpayer must deduct the three per cent (3%) discount at the time of making his monthly remittance of tax to the Department of Revenue.
- Commissioner may deny discount in certain instances.
- Time for deducting discount.
- Sec. 427 (b), relative to tax on building materials, amended. Subsection (e) That Subsection (b) of Section four hundred and twenty-seven (427) is hereby amended by striking out the words "with the Federal Government or any of its agencies, or" in lines three and four.
- Certain contracts not affected. Subsection (f) That the amendments affected by Subsections (b) and (e) of this section shall not affect any lump sum or unit price contract which was awarded, or upon which bids were received, prior to April first, one thousand nine hundred and forty-three. Subsections (b) and (e) shall be effective on April first, one thousand nine hundred and forty-three.
- Effective date of certain subsections hereof.
- Beverage Control Article amended. SEC. 6. Amendments to the Beverage Control Act, Article VI, Schedule F.
- Sec. 510, relative to amount of retail license tax for sale of beer, etc., amended. Subsection (a) That Section five hundred and ten (510) is hereby amended by striking out the words and figures "ten dollars (\$10.00)" in line four, and substituting in lieu thereof the words and figures "five dollars (\$5.00)."
- Sec. 512, relative to County license to sell at retail, amended. Subsection (b) That Section five hundred and twelve (512) is hereby amended by striking out the words and figures "twenty-five dollars (\$25.00)" in lines four and five of the third paragraph and inserting in lieu thereof and the words and figures "(1) twenty-five dollars (\$25.00) for 'on premises' license and (2) five dollars (\$5.00) for 'off premises' license."
- Sec. 514 amended. Subsection (b) 1 That Section five hundred and fourteen (514) is hereby amended by striking out the second sentence and substituting in lieu thereof the following:
- Revocation of license by court. "Whenever any person, being duly licensed under this article shall be convicted of the violation of any of the prohibition laws or of any of the provisions of this article or of any rule or regulation of the Commissioner of Revenue on the premises

herein licensed, it shall be the duty of the court to revoke said license.”

Said Section five hundred and fourteen (514) is hereby further amended by adding at the end thereof the following:

“The Commissioner of Revenue shall have the power to adopt, repeal, and amend rules and regulations to carry out the provisions of this article and to revoke or suspend the state license of any licensee for violation of the provisions of this article or of any rule or regulation adopted by him, as provided in Section five hundred and fourteen and one half (514½). Whenever there shall be filed with the Commissioner of Revenue a certified copy of a judgment of a court convicting a licensee of a violation of the prohibition laws or of any provision of this article or of any rule or regulation issued by the Commissioner of Revenue, the Commissioner of Revenue shall forthwith revoke the license of said licensee. The revocation or suspension of either a state, county, or municipal license shall automatically revoke or suspend any other license issued to the licensee under the authority of this article.”

Subsection (c) That Article VI, Schedule F, is hereby amended by inserting between Section five hundred and fourteen (514) and Section five hundred and fifteen (515) a new section to be designated as Section five hundred and fourteen and one half (514½), which shall read as follows:

“SEC. 514½. No holder of a license authorizing the sale at retail of beverages, as defined in Sections five hundred and one (501) (a) and (b), for consumption on the premises where sold, or any servant, agent, or employee of the licensee, shall do any of the following upon the licensed premises:

“(1) Knowingly sell such beverages to any person under eighteen (18) years of age.

“(2) Knowingly sell such beverages to any person while such person is in an intoxicated condition.

“(3) Sell such beverages upon the licensed premises or permit such beverages to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law.

“(4) Permit on the licensed premises any disorderly conduct, breach of peace, or any lewd, immoral, or improper entertainment, conduct or practices.

“(5) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind of alcoholic liquors the sale or possession of which is not authorized under his license.

“Proceedings for the revocation or suspension under this section of any license authorizing the sale of such beverages

Sec. 514 further amended.

Rule making power of Commissioner.

Power to revoke or suspend license.

License revoked upon conviction of certain violations.

Effect of revocation of state, county or municipal license.

Article VI, Schedule F, amended by adding new section.

Licensee for sale at retail for consumption on premises prohibited from certain acts.

Sale to persons under 18 prohibited.

Sale to intoxicated persons prohibited.

Sale or consumption on premises at time prohibited by law.

Permitting disorderly conduct, etc., on licensed premises prohibited.

Sale, possession, etc. of alcoholic liquors not authorized under license prohibited.

Proceedings for revocation or suspension.

Complaint filed with Commissioner.

Complaint by Commissioner.

Peace officer to file affidavit of facts of violation.

Affidavit may be filed by certain other persons.

Complaint and notice to be served on licensee.

Written denial by licensee.

Demand for hearing.

Commissioner to certify record to Superior Court.

Determined at next term of court.

License revoked or suspended, if allegations proven.

Revocation or suspension by Commissioner, if denial not filed.

Duties of peace officers:

To enforce this section,

To visit licensed premises,

To investigate complaints,

at retail for consumption on the premises shall be instituted by the filing of a complaint with the Commissioner of Revenue against the licensee. Said complaint may be filed by the Commissioner of Revenue upon his own initiative and the said Commissioner of Revenue may, in his discretion, file a complaint when requested to do so by a peace officer or any person as hereinafter provided. Any peace officer, who learns that any such licensee within his jurisdiction has violated any of the provisions of this section, shall file with Commissioner of Revenue an affidavit specifying in detail the facts alleged to constitute said violation and requesting that a complaint be filed against said licensee for the revocation or suspension of his license. A like affidavit may be filed with the Commissioner of Revenue by any person who resides, and has for at least one year prior thereto resided, within two miles of the licensed premises, of such licensee, requesting that a complaint be filed for the revocation or suspension of said licensee's license. Promptly upon receiving any such affidavit, the said Commissioner of Revenue shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him. The Commissioner of Revenue shall serve, or cause to be served, upon the licensee by personal service or by United States registered mail a notice of the filing of said complaint, together with a copy of said complaint.

"The licensee shall have a right at any time within twenty days after service of the notice, above provided for, within which to file with the Commissioner of Revenue a written denial of the facts alleged in the complaint and demand a hearing thereon. In event such licensee files a written denial of the facts set out in the complaint and demands a hearing thereon, the Commissioner of Revenue shall immediately certify the record to the Superior Court of the county in which the license was issued where the matter shall be heard and determined at the next term of the Superior Court held in said county. If, upon the trial of said matter in the Superior Court, the allegations contained in the complaint are found against the licensee, the court shall immediately order a revocation or suspension of the license. In event the licensee fails to file a written denial of the facts set out in the complaint and demand a hearing thereon within twenty days after the service of the notice above provided for, the Commissioner of Revenue shall immediately revoke or suspend the license of said licensee.

"It shall be the duty of all peace officers to enforce within their jurisdiction the provisions of this section and they shall frequently visit all such licensed premises within their jurisdiction to determine whether such licensees are complying with the laws; and shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of this section within their jurisdiction. When any peace officer

has knowledge of a violation of this section committed by a licensee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the Commissioner of Revenue, as herein provided, requesting that a complaint be filed for the revocation or suspension of the license of said licensee.

To file affidavit when possessing knowledge of violation.

“The jurisdiction herein conferred upon the Commissioner of Revenue shall not be exclusive and any authority conferred upon the governing boards of a municipality, or boards of county commissioners to revoke or suspend licenses shall remain in full force and effect; Provided, however, that when a complaint is filed with the Commissioner of Revenue, any proceedings which may then be pending before the municipal or county authorities against the same licensee on the same charges shall abate and no proceedings for the revocation or suspension of a license for a violation of the provisions of this section shall be filed with the governing board of municipality or a board of county commissioners when proceedings are pending with the Commissioner of Revenue against the licensee on the same charge.

Jurisdiction of Commissioner.

Power of county and municipal governing boards in force.

Effect of complaint filed with Commissioner on proceedings before municipal or county governing boards.

“The revocation or suspension of a licensee’s license, as herein provided, shall be in addition to and not in lieu of or limitation of any other penalty imposed by law.”

Revocation or suspension in addition to other penalties.

Subsection (d) That Subsection (o) of Section five hundred and seventeen (517) is hereby amended by adding at the end thereof the following:

Sec. 517(o) amended.

“In the event that the Commissioner of Revenue shall find as facts that due to war conditions or other unusual circumstances, a free supply of taxpaid crowns cannot be obtained, and that the beverage tax revenues of the State are being, or will likely be, impaired by the difficulty or impossibility in obtaining said taxpaid crowns, the commissioner shall be empowered to promulgate a regulation authorizing the use of stamps, labels, or other suitable devices in lieu of or in addition to crowns as evidences of tax payments for the duration of the emergency, but no longer. In the event that stamps, labels, or other devices are authorized by the commissioner as herein provided, the remaining provisions of this article shall not be affected, and shall be construed by substituting the name of the substituted device for ‘crown or lid’ or ‘crowns or lids’ wherever these words appear, unless the context clearly will not permit such construction.

Commissioner authorized under certain conditions to use stamps, etc. to evidence tax payments.

For duration of emergency only.

Effect of substitution of stamps, etc.

“The action of the Commissioner of Revenue in promulgating a regulation under date of September second, one thousand nine hundred and forty-two, authorizing the use of stamps as an alternative to crowns or lids, is in all respects hereby approved, ratified and confirmed.”

Act of Commissioner authorizing use of stamp validated.

- Effective date of section. Subsection (e) That the provisions of this section shall be in full force and effect on and after May the first, one thousand nine hundred and forty-three.
- Gift Tax Article amended. SEC. 7. Amendments to the Gift Tax Article, Article VII, Schedule G.
- Sec. 600 amended. Subsection (a) That Section six hundred (600) is hereby amended by striking out the period after the word "article" at the end of the fourth paragraph and adding thereto the following:
- Only excess above \$1000.00 in value of gift taxable. " and where gifts are made to any one donee in any one calendar year in excess of one thousand dollars (\$1000.00), only that portion of said gifts exceeding one thousand dollars (\$1000.00) in value shall be subject to the tax levied by this article."
- Sec. 600(c) amended. Subsection (b) That Section six hundred (600) is further amended by striking out the second paragraph of Subsection (c) and substituting in lieu thereof the following:
- Exemption for gifts to donees named in subsection (a). "A donor shall be entitled to a total exemption of twenty-five thousand dollars (\$25,000.00) to be deducted from gifts made to donees named in Subsection (a) of this section, less the sum of amounts claimed and allowed as an exemption in prior calendar years. The exemption, at the option of the donor, may be taken in its entirety in a single year, or may be spread over a period of years. When this exemption has been exhausted, no further exemption is allowable. When the exemption or any portion thereof is applied to gifts to more than one donee in any one calendar year, said exemption shall be apportioned against said gifts in the same ratio as the gross value of the gifts to each donee is to the total value of said gifts in the calendar year in which said gifts are made. No exemption shall be allowed to a donor for gifts made to donees named in Subsection (b) and (c) of this section."
- Option of donor as to time of taking exemption. No exemption for gifts to donees named in subsection (b) and (c).
- Apportionment of exemption where gifts to several donees. Subsection (c) That Section six hundred and seven (607) is hereby amended by changing the period after the word "Statutes" at the end of the third sentence to a comma, and by adding the words "and upon the basis of six per centum (6%) of the gross value of the estate for the period of expectancy of the life tenant or for the period of the duration of said estate, if said estate is other than a life estate, in determining the value of the respective interests."
- Sec. 607 amended as to method of determining the value of an interest in a gift where interest is less than absolute. SEC. 8. Amendments to Intangible Personal Property Tax, Article VIII, Schedule H.
- Intangible Personal Property Tax Article amended. Subsection (a) That Section seven hundred and fourteen (714) is hereby amended by inserting in line fourteen (14) after the word "Schedule," and before the word "banks," the following:
- Sec. 714 amended to include certain State credit unions among parties exempted from taxes levied in this Article.

“State credit unions organized pursuant to the provisions of Sub-chapter III, Chapter ninety-three, of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, paying the supervisory fees required by law, shall not be subject to any of the taxes levied in this article or schedule;”

SEC. 8 (a) That a new article or schedule be inserted immediately following Article IX, Schedule I, to be designated Article IX-A, Schedule I-A, to read as follows:

“Article IX-A  
Schedule I-A

Article IX-A.  
Schedule I-A.  
Gross Earnings  
Taxes in Lieu of  
Ad Valorem  
Taxes.

“Gross Earnings Taxes in Lieu of Ad Valorem Taxes

“SEC. 851. Defining taxes levied and assessed in this article.

“The purpose of this article is to levy a fair and equal tax under authority of Article V, Section three of the Constitution of North Carolina and to provide a practical means for ascertaining and collecting it. The taxes levied and assessed in this schedule shall be upon the gross earnings as defined in the article, and shall be in lieu of ad valorem taxes upon the properties of individuals, firms, or corporations so taxed herein.

Purpose of  
Article.

Taxes to be  
levied in this  
section.

SEC. 852. Tax upon Freight Car Line Companies.

Tax on freight  
car line com-  
panies.

“(1) For purposes of taxation under this section the property of freight line companies as defined is declared to constitute a special class of property. In lieu of all ad valorem taxes by either or both the state government and the respective local taxing jurisdictions, a tax upon gross earnings in the State as elsewhere defined shall be imposed.

In lieu of ad  
valorem taxes.

Upon gross  
earnings.

“(2) That any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in the business of operating cars or engaged in the business of furnishing or leasing cars not otherwise listed for taxation in this State, for the transportation of freight (whether such cars be owned by such company or any other person or company), over any railway or lines, in whole or in part, within this State, such line or lines not being owned, leased or operated by such company, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture, or refrigerator car or by some other name, shall be deemed a freight line company.

Definition of  
freight line com-  
panies.

“(3) For the purposes of taxation under this section all cars used exclusively within the State, or used partially within and without the State, and a proportionate part of the intangible values of the business as a going concern, are hereby declared to have situs in this State.

Certain cars and  
part of intang-  
ible values of  
business declared  
to have situs in  
State.

“(4) Every freight line company, as hereinbefore defined, shall pay annually a sum in the nature of a tax at three

Amount of tax  
on gross earnings,  
etc.

In lieu of ad valorem taxes in this State.

Term "gross earnings received from all sources by such freight line companies within the State" defined.

Railroad companies, upon making payment to freight line companies for use of cars, to withhold amounts designated in this section.

Reports by railroad companies to Commissioner.

Contents of reports.

Remittance of amounts withheld.

Liability of railroads for failure to make report and remit amount of tax.

Commissioner authorized to approve adequate methods of accounting.

Direct collection from freight line companies.

Reports by car line companies.

per centum upon the total gross earnings received from all sources by such freight line companies within the State, which shall be in lieu of all ad valorem taxes in this State of any freight company so paying the same.

"(5) The term 'gross earnings received from all sources by such freight line companies within the State' as used in this Act is hereby declared and shall be construed to mean all earnings from the operation of freight cars within the State for all car movements or business beginning and ending within the State and a proportion, based upon the proportion of car mileage within the State to the total car mileage, or earnings on all interstate car movements or business passing through, or into or out of the State.

"(6) Every railroad company using or leasing the cars of any freight line company shall, upon making payment to such freight line company for the use or lease, after June thirtieth, one thousand nine hundred and forty-three, of such cars withhold so much thereof as is designated in this section. On or before March first of each year such railroad company shall make and file with the Commissioner of Revenue a statement showing the amount of such payment for the next preceding twelve-month period ending December thirty-first, and of the amounts so withheld by it, and shall remit to the Commissioner of Revenue the amounts so withheld. If any railroad company shall fail to make such report or fail to remit the amount of tax herein levied, or shall fail to withhold the part of such payment hereby required to be withheld, such railroad company shall become liable for the amount of the tax herein levied and shall not be entitled to deduct from its gross earnings for purposes of taxation the amounts so paid by it to freight line companies.

"It is not the purpose of this subdivision to impose an unreasonable burden of accounting on railroad companies operating in this State, and the Commissioner of Revenue is hereby authorized, upon the application of any railroad company, to approve any method of accounting which he finds to be reasonably adequate for determining the amount of mileage earnings by any car line company whose equipment is operated within the State by or on the lines of such railroad company. Further, if in the opinion of the Revenue Commissioner the tax imposed by this section can be satisfactorily collected direct from the freight line companies, he is hereby authorized to fix rules and regulations for such direct collection, with the authority to return at any time to the method of collection at source above provided in this subdivision.

"(7) Every car line company shall file such additional reports annually, and in such form and as of such date as the Com-

missioner of Revenue may deem necessary to determine the equitable amount of tax levied under this section.

“(8) Upon the filing of such reports it shall be the duty of the Commissioner of Revenue to inspect and verify the same and assess the amount of taxes due from freight line companies therein named. Any freight line company against which a tax is assessed under the provisions of this Act may at any time within fifteen days after the last day for the filing of reports by railroad companies, appear before the Commissioner of Revenue at a hearing to be granted by the commissioner and offer evidence and argument on any matter bearing upon the validity or correctness of the tax assessed against it, and the commissioner shall review his assessment of such tax and shall make his order confirming or modifying the same as he shall deem just and equitable, and if any overpayment is found to have been made it shall be refunded by the commissioner.

Assessment of tax.

Hearings afforded freight line companies.

Review by Commissioner.

Refunds.

“(9) If any such freight line company or railroad company shall fail to pay the tax levied herein when due a penalty of ten (10%) per cent thereof shall immediately accrue and thereafter one (1%) per cent per month shall be added to such tax and penalty while such tax remains unpaid. All provisions of laws for enforcing payment of taxes levied in this Act shall be applicable to the gross earnings taxes of freight line companies. Any freight line company against which a tax is assessed under the provisions of this Act may appear and defend in any action brought for the collection of such tax.

Penalties for nonpayment of tax.

Enforcing payment of taxes.

Company may defend.

“(10) The provisions of this Act shall apply to all freight line gross earnings accruing from and after June thirtieth, one thousand nine hundred and forty-three.

Effective date of provisions of this act.

SEC. 9. Amendment to the General Administration Article, Article X, Schedule J.

General Administration Article amended.

Subsection (a) That Section nine hundred and three (903) of Article X, Schedule J, be amended by striking out the words “and upon payment to the Secretary of State of an additional penalty of ten dollars (\$10.00) to cover the cost of reinstatement” (in lines twelve (12) and thirteen (13) and fourteen (14)) and inserting in lieu thereof the following, “and upon payment to the Commissioner of Revenue, to be transferred to the Secretary of State, of an additional penalty of ten dollars (\$10.00) to cover the cost of reinstatement.”

Sec. 903, relative to the restoration of corporate rights, amended.

Subsection (b) That Section nine hundred and twenty-seven (927) is hereby amended by adding at the end thereof the following:

Sec. 927 amended.

“Assistant commissioner may sign and verify pleadings, et cetera. In any action, proceeding, or matter of any kind, to

Assistant Commissioner may sign and verify pleadings, etc.

which the Commissioner of Revenue is a party or in which he may have an interest, all pleadings, legal notices, proofs of claim, warrants for collection, certificates of tax liability, executions, and other legal documents may be signed and verified by the assistant commissioner on behalf of the commissioner.

Effective date of this subsection.

"The provisions of this subsection shall be in full force and effect from and after the date of the ratification of this Act."

Revenue Act with amendments and supplements to be printed in codified form by Secretary of State with advice of Attorney General.

SEC. 10. That the Secretary of State with the advice of the Attorney General, as soon as possible after the ratification of this Act, shall insert in the Revenue Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, and one thousand nine hundred and forty-three, and shall print in codified form five thousand copies of said Act as amended and supplemented which shall be delivered to the Commissioner of Revenue for distribution. This compilation when certified by the Secretary of State and Attorney General to be a true and accurate compilation of the Revenue Act of one thousand nine hundred and thirty-nine and all amendments thereto shall be an official compilation or statement of the Revenue Act of one thousand nine hundred and thirty-nine, as amended.

5,000 copies.

Distribution by Commissioner of Revenue.

Official Compilation of Revenue Act of 1939, as amended.

#### SEC. 11. Retrospective Continuation of Existing Laws.

Retrospective continuation of existing laws.

That notwithstanding any express repeal contained in this Act or any repeal implied from its terms and provisions, the existing revenue laws of the State shall be and continue in full force and effect with respect to all acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-three, affected or which ought to be affected by their terms and provisions, and with respect to all liabilities, criminal as well as civil, incurred or which ought to have been incurred with respect to said acts and transactions done or occurring prior to July first, one thousand nine hundred and forty-three.

#### SEC. 12. Effective date.

Effective date of Act.

That except as otherwise expressly provided herein, this Act shall take effect on and after July first, one thousand nine hundred and forty-three.

Ratified this the 3rd day of March, 1943.

S. B. 109

## CHAPTER 401

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND THIRTY-THREE OF THE PUBLIC-LOCAL LAWS FOR ONE THOUSAND NINE HUNDRED AND FORTY-ONE SAME BEING AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GASTONIA SO AS TO TAKE IN THE AIRPORT IN WEST GASTONIA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and thirty-three of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby repealed.

Ch. 133, Public-Local Laws, 1941, extending corporate limits of City of Gastonia, repealed.

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 3rd day of March, 1943.

S. B. 158

## CHAPTER 402

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE ENTITLED, "AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINE AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Article XII, of Chapter one hundred and seven of the Public-Local and Private Laws of one thousand nine hundred and thirty-one relating to the charter of the City of High Point be stricken out and the following inserted in lieu thereof as Section two:

Sec. 2, Art. XII, Ch. 107, Public-Local and Private Laws, 1931, rewritten.

"SECTION 2. Every owner of a lot abutting on a paved street, if so ordered by the Council of the City of High Point, shall pave or repave in such manner as the council may direct, the sidewalk as far as it may extend along such lot, with such materials and in such manner as may be required by the council, and all work done under this section shall be under the strict supervision of the city manager, and on failure to do so as directed within thirty days (30) after notice from said city manager or the director of public works of said city to such owner (if the owner be a non-resident, once a week for two successive weeks in a newspaper published in High Point of a notice directed to said owner), calling on the owner to pave or repave the sidewalk, the Council of the City of

Sidewalk paving by abutting land owners in City of High Point.

Supervision of City Manager.

City may pave sidewalks on failure of owner to pave after notice.

Owner to pay expense.  
Cost thereof lien on lot.

High Point may cause the same to be made, and the expense shall be paid by the owner or owners in default, and the expense thereof shall be a lien upon said lot superior and prior to all liens except taxes, and collected in the same manner as is provided by law for the collection of taxes."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

S. B. 330

CHAPTER 403

AN ACT TO PROVIDE FOR RURAL POLICE IN BRUNSWICK COUNTY IN DISCRETION OF COUNTY COMMISSIONERS.

*The General Assembly of North Carolina do enact:*

Board of Commissioners of Brunswick County empowered to set up rural police force.

SECTION 1. That the Board of Commissioners of Brunswick County be and they are hereby empowered to set up, maintain and equip a rural police force; the number of men to be employed on said force not to exceed three and the terms of their employment to be discretionary with said board except that the salary paid to any member of said force shall not be less than fifty (\$50.00) nor more than seventy-five dollars (\$75.00) for each thirty days of employment.

Number.  
Salary limits.

Serve under Board.

SEC. 2. That said officers shall serve under the direction and control of said board of county commissioners and it shall be the duty of said officers and they are hereby authorized and directed to be diligent in the enforcement of the criminal laws of the State of North Carolina in said county and they shall have the same powers and are hereby charged with the same duties as the sheriff of said county in the enforcement of said laws; they shall patrol and police said county to the end that the violation of the criminal laws of the State of North Carolina in said county may be discouraged and in so far as possible be prevented and that violators of said laws may be speedily apprehended; they shall have authority and it shall be the duty of said officers to serve all process directed to them and issued by any lawful authority; it shall be their duty to search for, apprehend, and arrest any and all persons charged with the violation of any criminal law, to make arrests upon their own initiative as well as upon information and complaint, to obtain warrants for and arrest and prosecute all persons charged with violation of any of the criminal laws of the State. They shall have authority and it shall be their duty for any freshly committed crime whether a witness to

Powers and Duties.

the commission thereof or have knowledge thereof upon prompt information or complaint to arrest without warrant and when an arrest is made without warrant the person so arrested shall be forthwith carried before a trial officer of said county and a warrant of arrest procured to the end that the person charged may be dealt with promptly according to law and they shall have the power and authority to deputize other persons to assist them in making arrests and the discharge of their other duties whenever in their judgment the circumstances demand such action.

SEC. 3. That said rural police shall be entitled to receive as compensation for the discharge of their duties the salaries herein provided, together with such expense allowance as the board of commissioners may deem necessary to obtain the best possible law enforcement and the usual fees allowed to sheriffs by law shall be taxed in all bills of cost which the officers herein provided for shall receive, except the county shall pay no cost.

Expense allowance for police.

Certain fees to be allowed police.

SEC. 4. That O. W. Perry, D. L. Ganey and Wainzie Evans be and they are hereby appointed as such officers, and shall before entering upon their duties take and subscribe the usual oath taken by all officers as now provided by law, and they shall execute a bond in at least the sum of five hundred dollars (\$500.00) with sufficient sureties to be approved by the board of county commissioners conditioned on the faithful performance of their duties.

Certain persons appointed police officers.

Oath.

Bond required.

SEC. 5. That Section three of Chapter three hundred and thirty of Public-Local and Private Laws of one thousand nine hundred and thirty-nine, be and same is hereby amended so as to reduce the number of sheriff's deputies to two, who shall draw salaries as provided in said Act of one thousand nine hundred and thirty-nine.

Sec. 3, Ch. 330, Public-Local and Private Laws, 1939, amended to reduce number of Sheriff's deputies.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 233

## CHAPTER 404

## AN ACT TO REIMBURSE WILLIAM W. HENSLEY OF RUTHERFORD COUNTY FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS IN OCTOBER, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

Preamble:  
 Accident between school bus of State School Commission and car of William W. Hensley.

WHEREAS, on or about the twentieth day of October, one thousand nine hundred and forty-two, an accident occurred on the Shingle Hollow Road in Rutherford County, involving a school bus belonging to the State School Commission, operated at the time by Hoyle Arrowood, a seventeen year old student driver, regularly employed and paid by the State School Commission, and a private automobile owned and operated by William W. Hensley, due to the negligent operation of the school bus by the said bus driver; and

Caused by negligence of school bus driver.

WHEREAS, it appears that William W. Hensley has suffered substantial damage to his automobile due to the accident and through no fault of his own, and has no remedy at law to recover his loss; and

Damage sustained by Hensley.

No remedy at law.

WHEREAS, it is just and proper that William W. Hensley be reimbursed for the loss sustained by him: Now, therefore,

Proper to reimburse Hensley.

*The General Assembly of North Carolina do enact:*

Reimbursement authorized upon investigation by School Commission and satisfactory proof of certain conditions.

SECTION 1. The State School Commission is hereby authorized to investigate the claim of William W. Hensley, referred to above, and upon production of satisfactory proof that the collision and damage occurred through the negligent operation of the school bus and that there was no contributory negligence on the part of the said William W. Hensley in the operation of his automobile at the time of the collision, the State School Commission is authorized to pay William W. Hensley such sum not exceeding two hundred dollars (\$200.00) as will reimburse him for the actual damage found to be sustained to his automobile.

Not to exceed \$200.00.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 234

## CHAPTER 405

AN ACT TO REIMBURSE MRS. WORTH JOHNSON, THE FORMER MISS VERNA REE ALLEN, FOR INJURIES SUSTAINED IN A COLLISION WITH A SCHOOL BUS ON JULY TWENTY-NINTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

WHEREAS, on the twenty-ninth day of July, one thousand nine hundred and forty-one, a collision occurred on the Darlington Road in Rutherford County, North Carolina, between a school bus belonging to the State School Commission, operated at the time by John Killian, the driver regularly employed and paid by the State School Commission, and an automobile owned and operated by Mr. Reid Kinney, in which automobile Miss Verna Ree Allen, now Mrs. Worth Johnson, was riding, due to the negligent operation of the school bus by the driver; and

WHEREAS, as a result of said collision Mrs. Johnson was injured, the injury resulting in considerable expense by reason of hospital and doctor's bills, in loss of time from work, and in permanent disfigurement, through no fault of her own; and

WHEREAS, there is no remedy at law available to Mrs. Johnson to recover for her loss and damages; and

WHEREAS, it is just and proper that Mrs. Johnson be compensated for the loss and damage sustained by her: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. The State School Commission is hereby authorized to investigate the claim of Mrs. Worth Johnson, the former Miss Verna Ree Allen, above referred to, and upon production of satisfactory proof that the collision occurred through negligent operation of the school bus and that there was no contributory negligence on the part of the driver of the automobile in which Mrs. Johnson was riding, the State School Commission is authorized to pay Mrs. Worth Johnson, the former Miss Verna Ree Allen, such sum not exceeding three hundred dollars (\$300.00) as will pay the hospital, medical, drug, and other actual expenses incurred in connection with the injury of the said Mrs. Worth Johnson.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

Preamble:

Collision between school bus of State School Commission and car in which Mrs. Worth Johnson was riding.

Caused by negligence of school bus driver.

Mrs. Johnson injured.

Certain expenses incurred.

No remedy at law.

Proper that Mrs. Johnson be compensated.

Certain payment to Mrs. Johnson authorized upon investigation by School Commission and satisfactory proof of certain conditions.

Not to exceed \$300.00.

Conflicting laws repealed.

## H. B. 251

## CHAPTER 406

AN ACT TO REIMBURSE W. STANLEY KEARNEY, ROUTE 1, WAKE FOREST, NORTH CAROLINA, ON ACCOUNT OF THE DEATH OF RICHARD EARL KEARNEY, A SCHOOL CHILD, WHO WAS STRUCK AND KILLED BY A SCHOOL BUS ON APRIL FOURTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

Preamble:  
Richard Earl  
Kearney killed  
by school bus.

WHEREAS, on the fourteenth day of April, one thousand nine hundred and forty-one, Richard Earl Kearney, a school child, six years of age, was struck and killed by a school bus immediately after said child had alighted from said bus and before he had an opportunity to leave the highway; and

Accident not  
covered by law.

WHEREAS, such accidents are not covered by the present law; and

Father of said  
child should be  
reimbursed for  
funeral expenses.

WHEREAS, it appears that the father of said child should be reimbursed for the necessary funeral expenses incurred on account of the death of said child: Now, therefore,

*The General Assembly of North Carolina do enact:*

Certain payment  
authorized upon  
investigation by  
State School Com-  
mission and  
satisfactory proof  
of certain con-  
ditions.

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of W. Stanley Kearney, the father of the deceased child, Richard Earl Kearney, above referred to, and upon production of satisfactory proof that the damage claimed occurred through the negligent operation of the school bus, the State School Commission is authorized to pay W. Stanley Kearney, the father of the deceased child, Richard Earl Kearney, such sum not exceeding eighty-two dollars and fifty cents (\$82.50), as will reimburse him for the necessary funeral expenses incurred on account of the death of said child.

Not to exceed  
\$82.50.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 282

## CHAPTER 407

AN ACT DESIGNATING THE NUMBER OF THE DISTRICT SCHOOL COMMITTEEMEN IN YANCEY COUNTY BY AMENDING CHAPTER ONE HUNDRED AND NINETY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter one hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is, hereby amended by striking out all of said Section two and substituting in lieu thereof the following:

Sec. 2, Ch. 196,  
Public-Local  
Laws, 1941,  
rewritten.

“That after the appointment of the county superintendent of schools, the board of education, appointed by authority of Chapter one hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and forty-one, shall immediately appoint a school committee of three members, in each and every school district in Yancey County, selecting the members of the committee in such a manner that the entire school district may be represented as nearly equally as possible.”

Appointment of  
district school  
committees in  
Yancey County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 395

## CHAPTER 408

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE AS AMENDED BY CHAPTER TWO HUNDRED AND SIXTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF FRANKLIN COUNTY AND TO THE SALARY AND APPOINTMENT OF DEPUTY CLERKS OF SAID COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended by striking out in line six the words and figures “two thousand four hundred (\$2,400.00) dollars” and inserting in lieu thereof the words and figures “three thousand (\$3,000.00) dollars.”

Sec. 1, Ch. 267,  
Public-Local  
Laws, 1937,  
relating to salary  
of C. S. C. of  
Franklin County,  
amended.

Sec. 2, Ch. 267,  
Public-Local  
Laws, 1937,  
rewritten.

SEC. 2. That Section two of Chapter two hundred and sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby repealed, and the following new section inserted in lieu thereof:

C. S. C. to employ  
deputies and  
assistants.

“SEC. 2. The Clerk of the Superior Court of Franklin County shall employ such deputy clerk or clerks and stenographic assistants as may be necessary to properly perform the duties of his office, and said deputy clerk or clerks and stenographic assistants shall be paid a total annual salary not in excess of one thousand six hundred (\$1,600.00) dollars. Said Clerk of Superior Court of Franklin County shall designate to the Board of Commissioners of Franklin County the amounts to be paid as salary to said deputy clerk or clerks and stenographic assistants, which said salaries shall be paid in monthly installments out of the general fund of the county as provided by law, in no event to exceed the aforesaid sum of one thousand six hundred (\$1,600.00) dollars.”

Salary limits.

C. S. C. to designate  
salaries of  
his assistants.

Salaries to be  
paid from county  
general fund.

Limits.

Effective date.

SEC. 3. That this Act shall be effective as of February first, one thousand nine hundred and forty-three.

Conflicting laws  
repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 406

CHAPTER 409

AN ACT TO CLARIFY SUNDRY SECTIONS OF THE LAW RELATING TO THE PRISON DEPARTMENT OF THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AS SET FORTH IN CHAPTER ONE HUNDRED AND FORTY-EIGHT OF THE GENERAL STATUTES.

*The General Assembly of North Carolina do enact:*

Ch. 148, General  
Statutes of 1943,  
entitled “State  
Prison System,”  
amended as  
hereinafter.

SECTION 1. That Chapter one hundred and forty-eight of General Statutes of one thousand nine hundred and forty-three, entitled “State Prison System,” be and the same is hereby amended in the following particulars, to-wit:

Sec. 148-1 re-  
written.

A. That Section one hundred and forty-eight—one be stricken out and the following be substituted in lieu thereof:

State Highway  
and Public Works  
Commission to  
employ director  
and other servants  
and agents.

“148-1. Commission to employ servants and agents. The State Highway and Public Works Commission may employ a director and such supervisors, inspectors, superintendents, wardens, physicians, overseers, guards, and other servants and agents as it may deem necessary for the management of the affairs

of the State prison system and the safekeeping and employment of the prisoners therein confined. The compensation and duties of these employees shall be fixed under the provisions of the Budget Act and the Personnel Act. The commission may discharge the director with the consent and approval of the Governor, and may discharge any other servants or agents at will."

Compensation and duties of employees.

Discharge of director and employees.

B. That Section one hundred and forty-eight—three be stricken out and the following substituted in lieu thereof:

Sec. 148-3 rewritten.

"148-3. Whenever it may be necessary or convenient in the operation of the State prison system, or whenever expressly authorized by law, such property, both real and personal, as may be deemed necessary by the State Highway and Public Works Commission may be acquired by gift, devise, purchase, or lease; and whenever it may be necessary or convenient in the opinion of the State Highway and Public Works Commission, the commission may dispose of any such property, either real or personal, or any interest or estate therein, but all sales of real property shall be subject to the approval of the Governor and Council of State and deeds shall be executed in accordance with the provisions of General Statutes Sections one hundred and forty-three—one hundred and forty-seven to one hundred and fifty."

Power of Commission to acquire property.

Power of Commission to dispose of property.

Sales subject to approval of Governor and Council of State.

Execution of deeds.

C. Amend Section one hundred and forty-eight—four by inserting after the word "require" and before the word "for" in line eleven the word "and," and change the comma after the word "prisoners" in line thirteen to a semicolon.

Sec. 148-4 amended.

D. Amend Section one hundred and forty-eight—ten by striking out the last sentence therein.

Sec. 148-10 amended.

E. Amend Section one hundred and forty-eight—thirteen by changing the comma after the word "parole" to a period and strike out the remainder of that sentence reading as follows: "and until such rules are so made by the commission, the regulations set out in Paragraphs one hundred and forty-eight—fourteen to one hundred and forty-eight—sixteen and one hundred and forty-eight—eighteen shall govern these matters."

Sec. 148-13 amended.

F. Strike out and eliminate entirely Sections one hundred and forty-eight—fourteen, one hundred and forty-eight—fifteen, one hundred and forty-eight—sixteen, and one hundred and forty-eight—seventeen, and renumber subsequent sections accordingly.

Sec. 148-14, Sec. 148-15, Sec. 148-16, and Sec. 148-17 stricken out and eliminated.

G. Amend Section one hundred and forty-eight—twenty-seven and Section one hundred and forty-eight—thirty by transposing from Section one hundred and forty-eight—twenty-seven to the end of Section one hundred and forty-eight—thirty the follow-

Sec. 148-27 and Sec. 148-30 amended.

No male person assigned whose imprisonment for less than 30 days.

ing language, to-wit: "No male person shall be so assigned whose term of imprisonment is less than thirty days." Further amend Section one hundred and forty-eight—twenty-seven by striking out the following sentence: "Provided that in criminal actions in which a justice of the peace has final jurisdiction no county shall be liable for or taxed with any costs."

Sec. 148-34 amended.

H. Amend Section one hundred and forty-eight—thirty-four by striking out the phrase "with the approval of the Governor" at the four places in the said paragraph where this expression occurs. Further amend the said section by striking out in line five the phrase "not less than five."

Sec. 148-35 amended.

I. Amend Section one hundred and forty-eight—thirty-five by striking out in lines eight, nine and ten the following: "with the approval of the Governor, the State Board of Health, and the State Board of Charities and Public Welfare."

Sec. 148-36 amended.

J. Amend Section one hundred and forty-eight—thirty-six in the following particulars: Strike out in lines eight and nine the words "and the State Board of Charities and Public Welfare." Strike out in lines thirty-six, thirty-seven and thirty-eight the words "by and with the consent and approval of the Governor and the Division of Personnel of the Budget Bureau."

Sec. 148-41 amended.

K. Amend Section one hundred and forty-eight—forty-one by striking out the last sentence in the first paragraph thereof, and substituting in lieu thereof the following: "Such reward earned shall be paid by warrant of the State Highway and Public Works Commission and accounted for as a part of the expense of maintaining the State's prisons."

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 407

## CHAPTER 410

AN ACT TO CLARIFY SUNDRY SECTIONS OF THE LAW RELATING TO THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION AS SET FORTH IN CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE GENERAL STATUTES.

*The General Assembly of North Carolina do enact:*

Ch. 136, General Statutes of 1943, entitled "Roads and Highways," amended as hereinafter.

SECTION 1. That Chapter one hundred and thirty-six of the General Statutes of one thousand nine hundred and forty-three, entitled "Roads and Highways," be and the same is hereby amended in the following particulars, to-wit:

- A. That Section one hundred and thirty-six—eight be stricken out and the following be substituted in lieu thereof: Sec. 136-8 rewritten.
- “136-8. Revision of salary schedules. The salary schedule provided for in Section one hundred and thirty-six—seven may be amended from time to time by order of the commission, subject to the approval of the Governor and the Advisory Budget Commission.” Revision of salary schedules.
- B. That Section one hundred and thirty-six—nine be amended as follows: After the word “discretion” and before the word “employ” in line three, insert the phrase “with the approval of the Governor.” Sec. 136-9 amended.
- C. Amend Section one hundred and thirty-six—eighteen, Subsection (g), by striking out the following proviso: “Provided, the commission may enter into contracts with counties as to the maintenance of highways which shall form a part of the State highway system.” Sec. 136-18 amended.
- Amend Subsection one hundred and thirty-six—eighteen further by adding at the end of Subsection (e) the following: “Except the commission may regulate parking upon any street which forms a link in the State highway system, if said street be maintained with State highway funds.” Subsection 136-18 further amended.
- Regulation of parking on streets forming part of Highway System under certain conditions. Regulation of parking on streets forming part of Highway System under certain conditions.
- Amend Subsection one hundred and thirty-six—eighteen further by adding a new subsection numbered (s) to read as follows: “To cooperate with appropriate agencies of the United States in acquiring rights of way for and in the construction and maintenance of flight strips or emergency landing fields for aircraft adjacent to State highways.” Subsection 136-18 further amended.
- Acquiring rights of way for certain aircraft landing facilities adjacent to highway. Acquiring rights of way for certain aircraft landing facilities adjacent to highway.
- D. Amend Article three by changing the title from “State Highways” to “General Provisions.” Art. 3 amended.
- Further amend the said article by striking out in the subtitle of Part I the words “of one thousand nine hundred and twenty-one.” Portions of subtitle of Part I stricken out.
- Strike out “Part II, Expansion of Highway System in one thousand nine hundred and twenty-seven,” and likewise eliminate Sections one hundred and thirty-six—forty-eight, one hundred and thirty-six—forty-nine, and one hundred and thirty-six—fifty, and renumber succeeding sections accordingly. Sec. 136-48, Sec. 136-49, and Sec. 136-50 eliminated.
- Change Part III to Part II. Part III changed to Part II.
- Further amend Article three, Section one hundred and thirty-six—forty-five, by striking out the following words: “The general purposes of Chapter two of the Public Laws of one thousand nine hundred and twenty-one are for the State to lay out, take over, establish and construct, and assume control of approximately five thousand and five hundred miles of hard-surfaced and other dependable highways”; and substitute in lieu
- Art. 3, Sec. 136-45 amended. Art. 3, Sec. 136-45 amended.

General purpose of laws creating State Highway and Public Works Commission.

thereof the following: "The general purpose of the laws creating the State Highway and Public Works Commission is that said commission shall take over, establish, construct, and maintain a state-wide system of hard-surfaced and other dependable highways."

Art. 3, Sec. 136-47 amended.

Further amend the said Article three, section one hundred and thirty-six—forty-seven, by striking out the first sentence thereof, which reads as follows: "Fifty-five hundred (5500) miles shall be approximate maximum limit of the State highway system."

Sec. 136-60 amended.

Commission may be relieved of responsibility for county roads where Federal Government acquires ownership and control.

E. Amend Section one hundred and thirty-six—sixty by changing the period at the end thereof to a comma and add the following: "except the State Highway and Public Works Commission may be relieved of all responsibility for county roads in areas where the Federal Government acquires exclusive ownership and control."

Sec. 136-65 and Sec. 136-66 stricken out.

F. Strike out all of Sections one hundred and thirty-six—sixty-five and one hundred and thirty-six—sixty-six and renumber subsequent sections accordingly.

Sec. 136-73 amended.

G. Amend Section one hundred and thirty-six—seventy-three by changing the period at the end thereof to a colon and add the following: "Provided, no public road or highway shall be cut except in accordance with provisions of Section one hundred and thirty-six—ninety-three."

Sec. 136-93 amended.

H. Amend Section one hundred and thirty-six—ninety-three by adding after the word "streets" where this word occurs in line four and also where the word "streets" occurs in line twelve, in each instance the following phrase: "not maintained by the State Highway and Public Works Commission."

Sec. 136-85 amended.

I. Amend Section one hundred and thirty-six—eighty-five by striking out in line five the words "for any purposes" and insert in lieu thereof "for ferries and toll bridges."

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 471

## CHAPTER 411

## AN ACT TO AMEND SECTION SEVENTY-SIX OF THE CONSOLIDATED STATUTES RELATING TO CONVEYANCES OF REAL ESTATE BY THE HEIRS OR DEVISEES OF A DECEDENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seventy-six of the Consolidated Statutes, as amended by Chapter three hundred and fifty-five of the Public Laws of one thousand nine hundred and thirty-five and by Chapter sixteen of the Public Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby further amended by inserting after the word "decedent" in line four of said section the words "except as hereinafter provided," and by adding to said section, as amended, the following:

C. S. 76 amended.

"Such conveyances, if made before the expiration of the time required by this section to have elapsed in order for same to be valid as against creditors, shall, upon the expiration of such time, become good and valid to the same effect as if made after the expiration of such time, unless in the meantime an action or proceeding shall have been instituted in the proper court to subject the land therein described to payment of the decedent's debts."

Law as to conveyances of lands by heirs or devisees within two years, amended.

SEC. 2. This Act shall apply to conveyances heretofore made as well as to those hereafter made, except that conveyances heretofore made, if invalid at that time, shall not in any event become valid as against creditors until the expiration of six months from the ratification of this Act.

Act applies to conveyances made heretofore and hereafter.

Exception.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3½. This Act shall not apply to pending litigation.

Pending litigation not affected.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

## H. B. 510

## CHAPTER 412

AN ACT TO AUTHORIZE A LOAN TO THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY IF FOUND NECESSARY BY THE GOVERNOR AND COUNCIL OF STATE FOR PART PAYMENT OF THE COST OF THE REHABILITATION OF THE ROADBED, TRACK AND STRUCTURES AND OTHER PROPERTIES OF SAID RAILROAD, AND TO AUTHORIZE THE ISSUANCE OF STATE BONDS TO PROVIDE FOR THE COST THEREOF.

## Preamble:

State has pecuniary interest in Atlantic and N. C. Railroad Co.

WHEREAS, the State of North Carolina has a direct pecuniary interest in the Atlantic and North Carolina Railroad Company by reason of the ownership of approximately seventy-two per cent (72%) of the outstanding capital stock thereof; and

Loans heretofore made to railroad for certain rehabilitating purposes.

WHEREAS, by authority of Chapter one hundred and seventy-one of the Public Laws of one thousand nine hundred and forty-one, loans have been made to the Atlantic and North Carolina Railroad Company for the purpose of rehabilitating the railroad track and roadbed and structures thereof; and

Loans made possible rehabilitation of railroad property to handle heavy freight.

WHEREAS, the making of the said loans made it possible to put the said railroad properties in condition to handle the heavy volume of freight carried thereon incident to the construction and operation of the great Marine Air Base at Cherry Point; and

Loans being repaid.

WHEREAS, the loans so made are being promptly repaid from funds provided by the lessee railroad, to whom the same are in turned loaned by the Atlantic and North Carolina Railroad Company to be used for the aforesaid purposes; and

Extensive improvements necessary to enable railroad to handle heavy traffic occasioned by Air Base at Cherry Point.

WHEREAS, the Federal authorities have caused a survey to be made of the present condition of the railroad track, including the rail, cross ties, roadbed and structures thereon, and, from such survey, have found that it is desirable and necessary to make extensive improvements therein in order that said railroad company may adequately handle the heavy volume and character of traffic which will be necessarily carried thereon incident to the Marine Air Base at Cherry Point, as well as serving other naval and military purposes along said railroad; and

Negotiations now pending as to said improvements.

WHEREAS, negotiations are now pending between the Federal authorities, the Atlantic and North Carolina Railroad and the lessee railroad company, the Atlantic and East Carolina Railway Company, as to said improvements and the manner of paying the same; and

May become necessary for State to make loan to Railroad not exceeding \$200,000.00 for improvements.

WHEREAS, it may become desirable and necessary for the State of North Carolina to loan to the Atlantic and North Carolina Railroad Company a sum not to exceed two hundred thousand dollars (\$200,000.00), to be used in paying a part

of the cost of such improvements as may be agreed upon, such amounts so employed to be paid back to the Atlantic and North Carolina Railroad Company by the operating railroad company or reimbursement therefor provided through increased rentals on said property: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor, by and with the advice of the Council of State, is hereby authorized and empowered, if found by them to be necessary, to make a loan or loans to the Atlantic and North Carolina Railroad Company in a sum not exceeding a total of two hundred thousand dollars (\$200,000.00), payable at such rate of interest and on such terms and maturities as may be decided by the Governor, by and with the advice of the Council of State, to be used for the purposes recited in the preamble of this Act.

Loan not exceeding \$200,000.00 authorized to be made to Railroad by Governor with advice of Council of State.

Interest rate and terms.

Purpose of loan.

SEC. 2. That in order to provide the funds to be loaned as aforesaid, there is hereby appropriated a sum not exceeding two hundred thousand dollars (\$200,000.00) out of the general fund of the State. In order to provide the said funds, the bonds of the State in a sum not exceeding two hundred thousand dollars (\$200,000.00) may be issued in such denomination, form, maturities, and shall bear such interest rate and carry such provisions for the retirement thereof as may be determined by the Governor and Council of State. Upon the sale of said bonds, the proceeds of such sale shall be deposited with the Treasurer of the State of North Carolina for the purposes aforesaid.

Appropriation from general fund of State.

Bonds may be issued to provide funds for loan.

Interest rate and retirement provisions.

Proceeds from sale of bonds.

SEC. 3. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized. All of said bonds and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any moneys in their hands in said bonds. The coupons of said bonds after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Pledge of State credit.

Bonds exempt from taxation.

Bonds lawful investment for fiduciaries and certain others.

Coupons receivable in payment of debts due State.

SEC. 4. That the bonds herein authorized to be issued, subject to the provisions of this Act, shall bear such date or dates and such rate or rates of interest, not exceeding four per centum (4%) per annum, payable semiannually, and shall mature at

Interest rate and other terms of bonds to be fixed by Governor and Council of State.

Interest coupons.

Registration of Bonds.

Sale of bonds.

Notes of State may be sold in lieu of said bonds.

Interest rate and maturity of notes.

Use of proceeds from sale of notes.

Conflicting laws repealed.

such time or times, not exceeding thirty years from their date, or respective dates, as may be fixed by the Governor and Council of State. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and be signed and sealed as is now or may hereafter be provided by law for State bonds. Subject to determination by the Governor and Council of State as to the manner in which said bonds shall be offered for sale, the State Treasurer is authorized to sell said bonds at one time or from time to time at the best price obtainable, but in no case for less than par and accrued interest.

SEC. 5. That the Governor and Council of State in lieu of the issuance of the bonds as herein authorized are hereby authorized and empowered to issue and sell notes of the State, payable at such time or times and bear such rate of interest as the Governor and Council of State may determine, and use the proceeds of the sale thereof for the purposes declared in this Act. The said notes to be in such form and denomination as shall be determined by the Governor and Council of State.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

## H. B. 517

## CHAPTER 413

AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL CAUSE TO BE PUBLISHED AND DISTRIBUTED A VOLUME CONTAINING AN INDEX TO THE LAWS RELATING TO THE VARIOUS COUNTIES OF THE STATE AND THE CITIES AND TOWNS THEREIN.

Preamble:  
Index of Public-Local Laws for certain period of time.

WHEREAS, under authorized provision there has been printed a volume containing an index of Public-Local Laws covering the period from the revisal of one thousand nine hundred and five to one thousand nine hundred and fifteen; and

Index of laws relating to counties, cities and towns from 1915 to 1943 being compiled by Secretary of State.

WHEREAS, the Secretary of State is now compiling an index to the laws relating to the several counties of the State and the cities and towns therein, beginning with the Session of one thousand nine hundred and fifteen and continuing through one thousand nine hundred and forty-three, and said material will be ready for the printer soon after the adjournment of the General Assembly: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Secretary of State be, and he is hereby authorized to have published one thousand (1,000) volumes of an index to the laws relating to the several counties, cities and towns of the State, enacted during the period beginning with the one thousand nine hundred and fifteen Session of the General Assembly and continuing through the one thousand nine hundred and forty-three Session.

Publication of index of laws relating to counties, cities and towns from 1915 through 1943 authorized.

SEC. 2. That one (1) copy of the volume so published shall be furnished each member of the one thousand nine hundred and forty-three General Assembly, one (1) copy to the office of the clerk of Superior Court of each county in the State, ten (10) copies to the Supreme Court Library, four (4) copies to the Attorney General's office and two (2) copies to each law school in the State now entitled to receive the session laws. The Secretary of State is authorized and directed to sell the remaining volumes at fifty per cent (50%) above cost of printing and deposit such proceeds to the credit of the State's General Fund Account.

Copies of index to be furnished certain persons.

Sale of volumes of index.

SEC. 3. For the purpose of carrying out the provisions of this Act, there is hereby appropriated from the contingency and emergency fund, set up by the General Assembly, an amount sufficient to pay the cost of printing the volume above authorized, the contract for same to be awarded by the Division of Purchase and Contract.

Appropriation from Contingency and Emergency Fund.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 527

## CHAPTER 414

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN OF NORTH CAROLINA, RELATING TO COMPENSATION OF MEMBERS OF BOARD OF ALDERMEN, OF THE TOWN OF SPENCER IN ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of said Chapter three hundred and eighty-two be and the same is hereby amended as follows: Strike out "and the aldermen of said town shall receive not more than fifty dollars (\$50.00) each per annum" and insert

Sec. 4, Ch. 382, Private Laws, 1911, amended.

Compensation of members of Board of Aldermen of Town of Spencer.

in lieu thereof the following: "and the aldermen of said town shall receive not more than one hundred dollars (\$100.00) each per annum."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 560

### CHAPTER 415

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE REGULATING THE SHERIFF'S DEPARTMENT OF RUTHERFORD COUNTY, TO PROVIDE FOR PAYMENT OF SALARIES AND EXPENSES OF DEPUTY SHERIFFS.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 289 Public-Local Laws, 1941, amended.  
Funds from which salaries of deputy sheriffs of Rutherford County may be paid.  
Conflicting laws repealed.

SECTION 1. Section three of Chapter two hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by striking out the period at the end of the section and by adding the following:

"or the court and jail fund."

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 568

### CHAPTER 416

AN ACT TO REIMBURSE ROY HOLE OF STOKES COUNTY FOR DAMAGES TO HIS PICKUP TRUCK THROUGH COLLISION WITH A SCHOOL BUS IN DECEMBER, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

Preamble:  
Accident between bus belonging to State School Commission and truck of Roy Hole.

WHEREAS, on or about the first day of December, one thousand nine hundred and forty-one, an accident occurred on State Highway Number eighty-nine near Dan River Bridge in Stokes County, involving a school bus belonging to the State School Commission, operated at the time by Ellis Welbon Jackson, a student school bus driver, regularly employed and paid by the State School Commission, and a privately owned pickup truck

owned and operated by Roy Hole, due to the negligent operation of the school bus by the said bus driver; and

Due to negligence of school bus driver.

WHEREAS, it appears that Roy Hole has suffered substantial damage to his pickup truck to such an extent that it was sold for junk due to the accident and through no fault of his own, and has no remedy at law to recover his loss; and

Damage sustained by Hole to his truck.

No remedy at law.

WHEREAS, it is just and proper that Roy Hole be reimbursed for the loss sustained by him: Now, therefore,

Proper to reimburse Hole.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of Roy Hole, referred to above, and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of the driver of the pickup truck involved in said collision, the State School Commission is authorized to pay Roy Hole such sum not exceeding three hundred and fifty dollars (\$350.00) as will reimburse him for the actual damage found to be sustained as a result of said collision.

Reimbursement authorized upon satisfactory proof of certain facts.

Not to exceed \$350.00.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 597

## CHAPTER 417

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO MAKE ADDITIONAL APPROPRIATIONS AFTER THE ADOPTION OF THE BUDGET IN ANY FISCAL YEAR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Pasquotank County is authorized and empowered to make additional appropriations from available surplus cash revenues arising from collections of revenues in any current fiscal year in excess of the original budget estimates for the current fiscal year after the adoption of the budget for such fiscal year: Provided, that no cash deficit is incurred by making such appropriations.

Board of County Commissioners of Pasquotank County authorized to make additional appropriations after adoption of budget under certain conditions.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

## H. B. 602

## CHAPTER 418

AN ACT TO PERMIT THE COUNTY OF GUILFORD TO ACCEPT DEEDS FOR REAL ESTATE IN PAYMENT OF TAXES DUE THEREON IN LIEU OF FORECLOSURE OF THE TAX LIEN AND TO SELL SUCH PROPERTY.

*The General Assembly of North Carolina do enact:*

Real property authorized to be accepted by Guilford County in payment of taxes due county thereon.

Acceptance of deed therefor not to interfere with certain other liens.

Sale of such property by county.

SECTION 1. When the taxes upon any real property in the County of Guilford are past due and unpaid, and the owner or owners thereof offer to convey such real property to the county, the Board of Commissioners of the County of Guilford is authorized to accept the deed for such real property in payment of the taxes due the county, and to pay the necessary expense of procuring and recording such deed. The acceptance of such deed by the board of commissioners shall not interfere with the lien for taxes due any taxing unit other than the County of Guilford or any other valid lien on such real property at the time of the execution of such deed. Any real property so conveyed to the county may be sold as is provided in Subsection (v) of Section one thousand seven hundred and nineteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and forty-one.

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 3rd day of March, 1943.

## H. B. 610

## CHAPTER 419

AN ACT TO INCORPORATE THE TOWN OF HARRELLS STORE IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

Town of Harrells Store incorporated.

Area embraced in Town.

Powers, rights and privileges.

SECTION 1. That from and after the ratification of this Act, the persons residing within one half mile of the intersection of North Carolina Highway Number sixty and Kerr Station road, in Sampson County, North Carolina, shall be and remain a body politic and corporate under the name and style of the Town of Harrells Store, and shall have all the powers, rights and privileges belonging to or usually vested or pertaining to municipal corporations.

Mayor appointed. Term.

Mayor elected thereafter for 2 year terms.

SEC. 2. That R. R. Walker is hereby appointed mayor of said Town of Harrells Store, to serve until Tuesday after the first Monday in May, one thousand nine hundred and forty-five, and until his successor is elected and qualified. The mayors elected thereafter shall serve for terms of two years.

Aldermen appointed.

SEC. 3. That H. P. Page, R. W. Ward, L. T. Johnson and D. A. Jarvis are hereby appointed as aldermen for the said

Town of Harrells Store, to serve until Tuesday after the first Monday in May, one thousand nine hundred and forty-five, and until their successors are elected and qualified. The aldermen elected thereafter shall serve for terms of two years.

Term.  
Aldermen elected thereafter for 2 year terms.

SEC. 4. That B. H. Hall is hereby appointed town clerk, to hold office during the term of office of the present board of aldermen. After the term of office of the present clerk has expired, the board of aldermen shall appoint the town clerk.

Town Clerk appointed.  
Term.

SEC. 5. That the general laws of the State of North Carolina, Chapter fifty-six of the Consolidated Statutes, and all amendments thereto, governing municipal corporations, including the provisions regulating municipal elections, shall be in full force and effect and applicable to the said Town of Harrells Store.

General laws of State governing municipal corporations applicable to Town.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

H. B. 615

CHAPTER 420

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT PRIVATE LAWS SESSION ONE THOUSAND NINE HUNDRED AND THIRTY-THREE SO AS TO EXTEND THE TIME FOR THE PAYMENT OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS IN THE TOWN OF MOREHEAD CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one, Chapter one hundred and fifty-eight, Private Laws, one thousand nine hundred and thirty-three Session, be so amended that the words "thirty-three," in line three, (3), shall read "forty-three," the words "thirty-four," in line eight (8), shall read "forty-four," and the words "thirty-four," in line fourteen (14), shall read "forty-four."

Sec. 1, Ch. 158, Private Laws, 1933, amended to extend time for payment of special assessments in Morehead City.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

## H. B. 627

## CHAPTER 421

## AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN WASHINGTON COUNTY.

*The General Assembly of North Carolina do enact:*

Percentage of profits from operation of A. B. C. store in Town of Plymouth to go to said town.

Percentage of profits from operation of A. B. C. store in Town of Creswell to go to said town.

Washington County A. B. C. Board directed to make quarterly payments to said towns.

Use of such funds by towns.

No profits to be paid unless town furnishes police protection for A. B. C. store.

Conflicting laws repealed.

Effective date.

SECTION 1. From and after January first, one thousand nine hundred and forty-four, fifteen per cent of all the net profits derived from the operation of the Alcoholic Beverage Control Store in the Town of Plymouth in Washington County, shall be paid quarterly to the Town of Plymouth, and fifteen per cent of all the net profits derived from the operation of the Alcoholic Beverage Control Store in the Town of Creswell in Washington County, shall be paid quarterly to the Town of Creswell. The Washington County Board of Alcoholic Beverage Control shall make quarterly settlements with the above two mentioned towns and the profits so allocated shall be paid into the general fund of the respective towns, to be used for the exclusive purpose of defraying the expenses of police protection in the two towns: Provided, no profits shall be paid to a town, as set out above, unless such town furnishes police protection for the Alcoholic Beverage Control Store in said town, deemed adequate in the opinion of the county board of Alcoholic Beverage Control.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after January thirtieth, one thousand nine hundred and forty-four.

Ratified this the 3rd day of March, 1943.

## H. B. 646

## CHAPTER 422

## AN ACT TO AMEND CHAPTER SEVENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE REGULATING FEES IN HARNETT COUNTY, TO INCREASE THE SHERIFF'S FEE FOR AN ARREST.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 75, Public Laws, 1933, amended to increase Sheriff's fee for arrest in Harnett County.

SECTION 1. Section one of Chapter seventy-five of the Public Laws of one thousand nine hundred and thirty-three is hereby amended by rewriting Subsection (1) of paragraph (f) to read as follows:

"(1) For an arrest, one dollar and fifty cents (\$1.50), with fifty cents (.50¢) additional for taking bond."

SEC. 2. This Act shall apply to Harnett County only.

Application of Act.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

S. B. 66

CHAPTER 423

AN ACT TO CREATE A CEMETERY COMMISSION AND TO AUTHORIZE THE LEVYING OF A TAX OF TEN CENTS ON THE ONE HUNDRED DOLLARS WORTH OF PROPERTY WHEN APPROVED BY THE QUALIFIED VOTERS OF THE TOWN OF WELDON, IN HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the tax levying authorities of the Town of Weldon, in Halifax County, are hereby authorized and empowered to levy a tax of ten cents on the one hundred dollars (\$100.00) worth of property for the purpose of purchasing, operating and maintaining lots or parcels of land as cemeteries for the interment of white and colored bodies.

Tax levy authorized for cemetery purposes in Town of Weldon.

SEC. 2. That Section one of this Act shall be submitted at a special election to be held on the second Tuesday in April, one thousand nine hundred and forty-three, and shall be submitted in the same way and manner and under the same rules and regulations as provided in the laws governing general municipal elections in this State.

To be submitted at special election.

SEC. 3. That the ballot to be used in voting on whether the tax authorized by this Act shall be levied shall contain the following question:

Contents of ballot.

“Shall a tax of ten cents on the one hundred dollars (\$100.00) worth of property be levied for the purchase and maintenance of cemetery lots for whites and negroes?” with appropriate spaces for marking the ballot “yes” or “no.”

SEC. 4. That the election upon the question of whether the tax authorized by this Act shall be levied shall be conducted in the same manner and under the same rules and regulations as provided by the laws of governing general municipal elections, and if a majority of the qualified voters of the Town of Weldon, in Halifax County, shall vote in favor of the tax, it shall be the duty of the tax levying authorities of the Town of Weldon to levy said tax.

Conduct of election.

Duty of tax levying authorities to levy tax, if voters favor tax.

Cemetery commission to be appointed, if voters approve tax.

Five members of commission.

Term of office.

Authority of commission.

Contract for purchase of property.

Title in Town of Weldon.

To prescribe regulations for governing interments, etc.

To fix prices for lots.  
To execute deeds to purchasers.

Application of Act.

Conflicting laws repealed.

SEC. 5. That if the qualified voters of the Town of Weldon vote to levy the tax authorized by this Act, the governing board of the Town of Weldon shall by July first, one thousand nine hundred and forty-three appoint a cemetery commission composed of five members whose term of office shall be, one, two, three, four and five years respectively. Each succeeding appointment shall be for five years.

SEC. 6. That the commission appointed pursuant to this Act shall, with the approval of the governing body of the Town of Weldon, have authority to:

First. Investigate and find suitable lots or parcels of property, either within or without the town limits of the Town of Weldon, and shall contract and make provisions for the purchase of said lots. The title to the lots when purchased shall be in the name of the Town of Weldon.

Second. Prescribe rules and regulations governing interments, the placing of markers, copings or other ornaments and to supervise any and all maintenance of lots and driveways within the area used or held for cemetery purposes.

Third. To fix the prices to be charged for the sale of said lots and to execute deeds in the name of the Town of Weldon to purchasers thereof.

SEC. 7. This Act shall apply only to the Town of Weldon.

SEC. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

S. B. 71

## CHAPTER 424

AN ACT TO AMEND SECTION SIXTEEN OF CHAPTER THIRTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE COMMITMENT OF VETERANS TO UNITED STATES GOVERNMENT HOSPITALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section sixteen of Chapter thirty-three of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, repealed, and the following substituted in lieu thereof:

Sec. 16, Ch. 33,  
Public Laws,  
1929, rewritten.

"SEC. 16. (1) Whenever, in any proceeding under the laws of this State for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the Veterans Administration or other agency of the United States Government, the court, upon receipt of a certificate from the Veterans Administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said Veterans Administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner as provided by the law of this State; and nothing in this Act shall affect his right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any facility operated by any such agency within or without this State shall be subject to the rules and regulations of the Veterans Administration or other agency. The chief officer of any facility of the Veterans Administration or institution operated by any other agency of the United States to which the person is so committed shall, with respect to such person, be vested with the same powers as superintendents of State hospitals for mental diseases within this State with respect to retention of custody, transfer, parole or discharge. Jurisdiction is retained in the committing or other appropriate court of this State at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his restraint, and all commitments pursuant to this Act are so conditioned.

"(2) The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the Veterans Administration, or other agency of the United States Government for care or treatment shall have the same force and effect as to the committed person while in this State as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his restraint; as is provided in Subsection (1) of this section with respect to persons committed by the courts of this State. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any facility of the Vet-

Certain persons may be committed to Veterans Administration for care or treatment for mental disease.

Person whose commitment sought to be served with notice.

Right to be heard.

Powers of superintendent of institution with respect to person committed.

Jurisdiction retained by court as to person committed.

Jurisdiction of courts of other states as to committed persons while in this State.

Application in N. C. of law of committing state as to custody, release, etc., of such committed persons permitted.

erans Administration, or of any institution operated in this State by any other agency of the United States to retain custody, or transfer, parole or discharge the committed person.

Certain persons heretofore committed to institutions in this State may be transferred to Veterans Administration for treatment.

“(3) Upon receipt of a certificate of the Veterans Administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the Veterans Administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to the Veterans Administration or other agency of the United States if he be confined pursuant to conviction of any felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

Court to be notified of transfer.

Order of court required for such transfer in certain cases.

Person transferred deemed committed to Veterans Administration.

“Any person transferred as provided in this section shall be deemed to be committed to the Veterans Administration or other agency of the United States pursuant to the original commitment.”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## S. B. 93

## CHAPTER 425

AN ACT TO AMEND CONSOLIDATED STATUTES, SECTION FIVE THOUSAND EIGHT HUNDRED AND EIGHTY, PRESCRIBING THE QUALIFICATIONS OF THE SUPERINTENDENT OF THE STATE SCHOOL FOR THE BLIND AND DEAF AT RALEIGH.

*The General Assembly of North Carolina do enact:*

C. S. 5880 amended with respect to the qualifications of the superintendent of State School for Blind and Deaf at Raleigh.

SECTION 1. That Section five thousand eight hundred and eighty of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same hereby is, amended by striking out the following language appearing in said section, to-wit: “and shall have experience as a teacher in the deaf, dumb and blind school of North Carolina, or some similar

institution, for the term of two or more\* years.," and substituting in lieu thereof the following: "and shall have such experience and training as in the opinion of the board of directors shall qualify such person for this position."

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

S. B. 122

### CHAPTER 426

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, BEING THE CHARTER OF THE TOWN OF WARRENTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter two hundred and one of the Private Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by striking out the sentence in said section beginning with the word "Each" in line twenty-three and ending with the word "town" in line twenty-eight, and inserting in lieu thereof the following, to-wit:

"A majority of said board of town commissioners shall be competent to perform all the duties of said board. A special meeting of said board of town commissioners may be called by the mayor, or by a majority of the commissioners, to meet at such time and place as may be specified, and each member of said board shall be duly notified of such meeting, and of its purpose. Each commissioner of the Town of Warrenton shall, as compensation for his services as such, receive a sum not to exceed five dollars (\$5.00) for attendance upon each regular monthly meeting of said board, and a sum not to exceed four dollars (\$4.00) for attendance upon each special meeting of said board, said sums to be fixed by an ordinance of said town: Provided, no commissioner of said town shall receive pay for more than one special or called meeting in any one calendar month. The mayor of the Town of Warrenton shall, as compensation for his services as such, receive a sum not to exceed seventy-five dollars (\$75.00) per month, said sum to be fixed by an ordinance of said town."

Sec. 6, Ch. 201,  
Private Laws,  
1915, amended.

Acts by majority  
of commissioners  
of Town of  
Warrenton.

Special meetings  
of board.

Compensation of  
commissioners.

Compensation of  
Mayor.

SEC. 2. That Section ten of Chapter two hundred and one of the Private Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by placing a period instead of a semicolon after the word "proceedings" in line three and

Sec. 10, Ch. 201,  
Private Laws,  
1915, amended.

by striking out the remainder of said section, and inserting in lieu thereof the following, to-wit:

Office to be provided for Mayor.

“An office shall be provided for the mayor in the Municipal Building in the Town of Warrenton, at which said office the said board of town commissioners shall hold their regular monthly meetings. Nothing contained herein, however, shall be construed as prohibiting the mayor, at his own expense, from maintaining an office elsewhere in said town, and from holding the mayor’s court and transacting any other business of said town in said office so maintained by him.”

Mayor may hold court and transact business in his own office.

Sec. 27, Ch. 201, Private Laws, 1915, amended.

SEC. 3. That Section twenty-seven of Chapter two hundred and one of the Private Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by adding at the end of said section the following, to-wit:

Fees to be paid to Town.

“All fees collected under this section shall be paid to, and become the property of, the Town of Warrenton.”

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

S. B. 141

CHAPTER 427

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVENTY-SIX OF THE PRIVATE LAWS OF NINETEEN HUNDRED AND FORTY-ONE OF NORTH CAROLINA, CHANGING THE CORPORATE LIMITS OF THE TOWN OF CANTON.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 376, Private Laws, 1941, relating to the corporate limits of the Town of Canton, amended.

SECTION 1. That Section one of Chapter three hundred and seventy-six, Private Laws of nineteen hundred and forty-one, be amended to read as follows:

Corporate boundary.

“Corporate Boundary: Beginning on the Southeast bank of Pigeon River, at the mouth of Smathers-Pharr Branch, thence up said branch four general calls as follows: South eight degrees West four hundred five feet to a stake; South fifty-seven degrees thirty minutes East four hundred and forty-six feet to a stake; South three degrees West eighty-three feet to a stake, crossing bridge leading to Substation at forty feet; South forty-nine degrees East one hundred and ninety feet to a stake in center of said branch in the Smathers-Pharr old line; thence up said branch as follows: South eighty-six degrees thirty minutes East one hundred and seventy-three feet

to a stake in the East margin of Pisgah Drive; thence same course South eighty-six degrees thirty minutes East three hundred and fifty-nine feet to a point in the center of small bridge over said branch; North nineteen degrees fifteen minutes East two hundred and sixty-two feet to a stake in the North margin of State Highway; thence with the North margin of same South seventy-two degrees twenty minutes East three hundred and sixty feet to a stake in line of wire fence; North nineteen degrees fifteen minutes East one hundred and seventy-eight feet to a stake in the South margin of Poplar Street, at East end of said street; thence same course North nineteen degrees fifteen minutes East seven hundred eleven feet to a stake in George Johnson's line; thence with his line one course, South eighty-two degrees thirty minutes East two hundred eighty feet to a "Marker"; North nineteen degrees fifteen minutes East four hundred feet to a stake in the center of Johnson Branch; thence up said branch as follows: with the center line of Johnson Branch (and up same) seven hundred and eighty-six feet to the Nana Jackson old line: thence with said line as follows: North three degrees West sixty feet to the center of Holtzclaw Street; North three degrees West five hundred and seventy-seven and five tenths feet to a stake; thence leaving the said Jackson old line; North fifty-seven degrees East seven hundred and fifty-one feet to a small cherry tree, three O. M. in the J. A. May old line; thence with said line one call as follows: North seven degrees thirty minutes East ninety-eight feet to a stake on the South margin of Dutch Cove Road; thence crossing said road, South eight degrees fifty minutes West ninety-one feet to an iron pipe, Johnson and Smathers old corner; thence with Smathers and Johnson old line, North four degrees thirty minutes East three hundred and sixty-three feet to a locust post in corner of fence; thence with said Smathers and Johnson old line; North sixty-nine degrees fifteen minutes West eight hundred and forty-three feet to a locust post, one hundred and seventy-five feet East of the East margin of Williams Street; thence with a line one hundred and seventy-five feet from the East margin of said Williams Street and parallel to said East Margin twelve hundred and ten feet to a stake twenty feet South of South margin of U. S. Highway Number nineteen and twenty-three; South eighty-eight degrees and forty-five minutes East fourteen hundred and sixty-nine feet to Dr. Johnson's line; thence with his line one call as follows: South five degrees fifteen minutes West one hundred and ninety-three feet to a stake on hill in corner of fence; thence East eleven hundred and forty-six feet to a walnut stump in the Abel old line; thence with said line, one call as follows: North ten degrees West one hundred and seventy feet to a stake in the South margin of old turnpike, (now the North margin of a small branch); South seventy-eight degrees

West one hundred and sixty-two feet center line of a road over a culvert; thence North sixty-eight degrees West one hundred and forty-three feet to the South end of a culvert under U. S. Highway Number nineteen and twenty-three; thence with line of said culvert, as follows: North twenty-eight degrees forty minutes West forty-three feet to the North of said culvert in the North margin of U. S. Highway Number nineteen and twenty-three; thence with the North margin of same South eighty-nine degrees fifteen minutes West one hundred and four feet to a stake in North margin of said highway; thence leaving the highway, North seven degrees East two hundred and thirty feet to the center line of Southern Railway over the center of concrete culvert; North seven degrees East one hundred feet to a "marker"; Westerly one hundred feet from and parallel to the center line of said railroad, twelve hundred and fifty feet to a "marker" one hundred feet from center line of railroad; North nineteen degrees thirty minutes West nine hundred and five feet to Southeast corner of Harrison Street; North seventy-six degrees East one hundred and twenty-five feet to a stake at end of graded road; North nineteen degrees forty-five minutes East four hundred seventy-five feet to a stake in the North margin of Flint Street; North fifty-five degrees thirty minutes East seven hundred fifty-nine feet to a "marker" at Everhart residence, on the North side of Star Ridge Street (East margin of Street); North forty-seven degrees West two hundred and twenty-six feet to a stake in East margin of street; North sixty-six degrees thirty minutes West two hundred sixty-two feet to a stake in East margin of street; North thirty degrees fifty minutes West two hundred and thirty-five feet to a stake in East margin of Street; North forty-three degrees West seventy-three feet to a "marker" one hundred and fifty feet East of the East margin of Newfound Road; thence North forty-five degrees East one hundred and seventy-five feet to a stake; North eleven degrees thirty-five minutes East eleven hundred and fifteen feet to a stake, one hundred and fifty East of Newfound Road; thence North thirty-eight degrees East two hundred and seventy-five feet to a stake at William's Barn, one hundred and fifty feet from Newfound Road; North sixty-nine degrees thirty minutes West twenty-eight feet to a large R. O., Williams corner; North two degrees fifteen minutes East eight hundred and four feet to an iron pin in the center of Newfound Road; North seventy-eight degrees West one hundred and eleven feet to a "marker" in a wire fence; thence with fence as follows: North one degree fifty minutes East three hundred and seventy-nine feet to a "marker" in a wire fence; thence South seventy-nine degrees fifteen minutes West two hundred and seventy-four feet to a "marker" at a locust stump on the North side of road leading to reservoir; South eighty-nine degrees West

eighty-three feet to a stake in the North margin of said road, thence with the North margin of said road as follows: Westerly with the North margin of said road, seven hundred and thirty feet to a stake on top of hill; thence South eighty-three degrees West four hundred and seven feet to a stake, passing present reservoir fence at seventeen feet North of same; South seventeen degrees twenty minutes East three hundred and two feet to a "marked" plum bush; South three degrees East three hundred and forty-six and five tenths feet to a "marker" in a wire fence; North seventy degrees West three hundred and fourteen feet to a "marker," Northeast corner of Owen's lot; thence with his line, North eighty-five degrees West two hundred thirty-one feet to a stake, Owen's Northwest corner; thence with his line; South eight degrees West one hundred and thirty feet to a stake, Owens Southwest corner; South eighty-five degrees thirty minutes West seven hundred and ninety-four feet to a large hickory stump near the East margin of a farm road; South eighteen degrees fifteen minutes West eight hundred and eighty-one feet to a stake in the center of Moore Branch; thence Westerly, down and with the center of said Moore Branch twenty-seven hundred and seventy feet to the junction with Beaverdam Creek; thence down and with the center of said Beaverdam Creek, sixteen hundred and sixty-two feet to the Hipps old mill dam, at station (Number one hundred and thirty-three); South thirty-three degrees West one hundred and eighty-one feet to a stake six feet East of the East end of bridge over Beaverdam Creek, in West margin of Beaverdam Road; South sixty-three degrees West one hundred and sixty-five and five tenths feet to the center of Pigeon River; thence down and with the center of Pigeon River, one thousand and ninety-six feet to a stake in center of river; South seventy-one degrees fifteen minutes West sixty-five feet to a large marked beech on South bank of river; South seventy-one degrees fifteen minutes West three hundred and forty-seven feet to a "marker" on top of ridge; South thirty-six degrees forty-five minutes West nine hundred and seventy feet to a "marker" in East margin of road near a spring and large W. O.; South twelve degrees thirty minutes West three hundred and thirteen feet to a "marker" in center of old road; thence with said road South eighteen degrees thirty minutes East one hundred and ninety-five feet to a "marker" in center of old road; thence with said road South forty degrees East two hundred and twenty-five feet to a "marker" in West margin of Fibreville Road; thence with said road North sixty-seven degrees forty-five minutes East two hundred and thirteen feet to a stake in West margin of said road; North fifty-four degrees thirty minutes East one hundred and fifty-eight feet to a "marker" on West bank of said road; South fifteen degrees thirty minutes East one

hundred and nine feet to a pine stump; South fifteen degrees thirty minutes East one hundred and thirty-four feet to a stake; South sixty-four degrees twenty-eight minutes East eight hundred and twenty-five feet to a "marker" on a ridge; South seventy-five degrees East four hundred and sixty feet to the East margin of State Highway; thence with East margin of same as follows: thence with the East margin of said road a Southwesterly course two thousand and sixty-seven feet to point "B"; thence continuing with the East margin of said road, three hundred and forty feet to a stake in the South margin of U. S. Highway Number nineteen and twenty-three; thence South sixty degrees East two hundred and sixteen feet to a "marker" which is sixty-four feet North of center line of main line of Southern Railway; South twenty-one degrees thirty minutes West one hundred and forty-seven feet to a "marker" at a R. O. Stump, crossing railroad at sixty-four feet; South six degrees forty minutes East thirteen hundred feet to a "marker" on top of ridge at a transmission tower; thence down the ridge as follows: North eighty-three degrees East nine hundred and eight feet to a "marker" at South side of reservoir; thence South fifty-eight degrees five minutes East twelve hundred and twenty-five feet to an iron pin in the East margin of State Highway; thence with the East margin of same as follows: South forty-three degrees West one hundred and fifty-one feet to a stake in East margin of said highway; thence South sixty-four degrees West two hundred and twenty-one feet to a stake in East margin of said highway; thence South seventy-eight degrees thirty-five minutes West one hundred and seventy-one feet to an iron pin, in East margin of said highway, Carolina Power and Light Company line; thence with their line South five degrees East three hundred and sixty-six feet to the center of Pigeon River; thence down said river as follows: down and with the center line of said river nine hundred and seventy feet to a stake in center of said river opposite Smathers-Pharr Branch; South fifty-eight degrees five minutes East seventy feet to the beginning."

Territory described constitutes corporate limits of Canton.

SEC. 2. That the territory described in Section one of this Act shall be and constitute the corporate limits of the Town of Canton after passage of this Act.

Effect of changes in corporate limits on 1943 taxes.

SEC. 3. That the Town of Canton shall not levy or collect any ad valorem taxes for the year nineteen hundred and forty-three upon property taken into the corporate limits by this Act that was not already within the corporate limits, and the Town of Canton shall not levy or collect any ad valorem taxes for the year nineteen hundred and forty-three on property that was located within the corporate limits of Canton prior to the passage of this Act and which is left out of the corporate limits by this Act.

SEC. 4. That all laws and clauses or parts of laws in conflict with any of the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect upon its ratification.

Ratified this the 4th day of March, 1943.

S. B. 148

CHAPTER 428

AN ACT TO PROVIDE FOR A SPECIAL ELECTION TO DETERMINE THE LEVY OF A SPECIAL ANNUAL TAX IN ALEXANDER COUNTY FOR THE ESTABLISHMENT, MAINTENANCE AND SUPPORT OF PUBLIC LIBRARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special election shall be held on the twenty-seventh day of April, one thousand nine hundred and forty-three, to determine the will of the people of Alexander County as to whether or not the board of county commissioners of said county shall each year levy a special tax of three cents (3¢) on each one hundred dollars (\$100.00) of the assessed value of real and personal property taxable in Alexander County, the proceeds of the tax to be paid to and used by the board of trustees hereinafter constituted for the establishment, maintenance and support of public libraries in Alexander County. Special election as to levying of special tax in Alexander County for support of public libraries.

SEC. 2. There shall be a new registration of the voters for such election. The registration books of such new registration shall be open for registration of voters at nine o'clock a. m., Eastern Standard War Time, on the fourth Saturday before such election, and the said books shall be closed at sunset on the second Saturday before such election. The registrar of each precinct shall be furnished with a registration book and it shall be his duty between the hours of nine o'clock a. m., Eastern Standard War Time, and sunset on each day during the period when the registration books are open, to keep open said books for the registration of any voters residing within such precinct and entitled to registration. On each Saturday during the period of registration, the registrar shall attend with his registration books at the polling place of his precinct, between the hours of nine a. m. o'clock, Eastern Standard War Time, and sunset, for the registration of voters. New registration for sale election.

Time for keeping books open.

SEC. 3. A notice of such new registration shall be published in a newspaper circulated in Alexander County, once, not less than thirty days before and not more than forty days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in Notice of new registration.

said notice the places for registration, except that the said notice shall state that on each Saturday during the period of registration, each registrar will attend with his registration books at the polling place of his precinct, between the hours of nine o'clock a. m., Eastern Standard War Time, and sunset, for the registration of voters.

Notice of election.

SEC. 4. A notice of the election shall be published not later than twenty days nor more than thirty days before the election, which notice shall be published once in a newspaper circulated in Alexander County. Such notice shall state the purpose of the election and the date upon which it will be held.

Form of ballots.

SEC. 5. A ballot shall be furnished to each qualified voter at the said election, upon which shall be printed the proposition submitted, to-wit: "Shall a special annual tax of three cents (3¢) on each one hundred dollars (\$100.00) of the assessed value of real and personal property taxable in Alexander County be levied for the establishment, maintenance and support of public libraries?" At the left of such question shall be printed two voting squares, one above the other, each at least one-fourth inch square. At the left of the upper square shall be printed the word "Yes," and at the left of the lower square shall be printed the word "No." At the top of the ballot shall be printed the following instructions:

(1) To vote "Yes" make a cross (X) mark in the square to the right of the word "Yes";

(2) To vote "No" make a cross (X) mark in the square to the right of the word "No";

(3) If you tear or deface or wrongfully mark this ballot, return it and get another.

Facsimile of the signature of Chairman of Board of Elections of Alexander County.

If proposition adopted, Board of County Commissioners to levy special tax.

SEC. 6. If the majority of the voters qualified to vote at said special election vote in favor of the proposition submitted to them, then the Board of County Commissioners of Alexander County shall levy a special annual tax of three cents (3¢) on each one hundred dollars (\$100.00) of the assessed value of real and personal property taxable in Alexander County, and the same, as and when collected, shall be paid to and used by the board of trustees hereinafter constituted for the establishment, maintenance and support of public libraries in Alexander County.

For support of public libraries in Alexander County.

Conduct of election.

SEC. 7. Except as herein otherwise provided, the registration and election shall be conducted in accordance with the general election laws of the State as provided for local elections.

SEC. 8. For the government of such libraries, there shall be a board of nine trustees. The original board of trustees shall consist of the following named persons whose terms of office will commence upon the ratification of this Act, expiring on the dates hereinafter stated:

Board of trustees to govern such libraries.

Members and terms of office.

Walter L. Russell  
Brode Lackey  
Mrs. Charles Starnes

for the term expiring June thirtieth, one thousand nine hundred and forty-three;

Mrs. W. J. Nesbit  
Mrs. P. E. Johnson  
Mrs. E. E. Lackey

for the term expiring June thirtieth, one thousand nine hundred and forty-five;

Mrs. W. S. Norton  
Mrs. R. S. Ferguson  
Dallas Campbell

for the term expiring June thirtieth, one thousand nine hundred and forty-seven.

As the terms of the aforesaid trustees expire, their successors shall be appointed by the Commissioners of Alexander County, chosen from the citizens of said county with reference to their fitness for such office. The trustees appointed by the county commissioners shall hold their offices for six years and until their successors are appointed and qualified. All vacancies shall be immediately reported by the trustees to the commissioners and shall be followed by appointment in like manner and, if in an unexpired term, for the residue of the term only. The county commissioners may remove any trustee for incapacity, unfitness, misconduct, or for neglect of duty. No compensation shall be allowed any trustee for his or her services as such trustee.

Appointment of successors.

Vacancies.

Removal of trustees.

No compensation to trustees.

SEC. 9. Immediately after the election hereinabove provided for, in the event the levy of the said tax is approved, such board of trustees shall organize by electing one of its members as president and one as secretary-treasurer, and such other officers as it may deem necessary. The secretary-treasurer, before entering upon his or her duties, shall give bond to the board in an amount fixed by the board conditioned for the faithful discharge of his or her official duties, which bond shall be renewed annually. The board shall adopt such bylaws, rules and regulations for its own guidance and for the government of the library as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all moneys collected for or by it placed to the credit of the

Board of trustees to organize.

Secretary-treasurer to give bond.

By-laws.

Exclusive control of expenditures.

Custody of buildings, etc.

Additional powers of board.

Conflicting laws repealed.

library fund, and of the supervision, care and custody of the rooms or buildings constructed, leased or set apart for library purposes. All money derived from the tax hereinabove provided for shall be received into the county treasury, credited to the library fund, be kept separate from other moneys, and be paid out to the secretary-treasurer upon the authenticated requisition of the board of trustees through its proper officers. The board shall lease and occupy, or purchase or erect upon ground secured through grant or purchase an appropriate building. It may appoint a librarian, assistants and other employees, and prescribe rules for their conduct and fix their compensation, and shall also have power to remove such appointees.

SEC. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

S. B. 159

### CHAPTER 429

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO MAKE ADDITIONAL APPROPRIATIONS AFTER THE ADOPTION OF THE BUDGET IN ANY FISCAL YEAR.

*The General Assembly of North Carolina do enact:*

City of High Point authorized to make certain additional appropriations after adoption of budget.

Limitation.

Conflicting laws repealed.

SECTION 1. That the City of High Point is hereby authorized to make additional appropriations from available surplus cash revenues arising from collections of revenues in any current fiscal year in excess of the original budget estimates for the current fiscal year after the adoption of the budget for such fiscal year; provided that no cash deficit is incurred by making such appropriations.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

S. B. 183

## CHAPTER 430

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, THE CHARTER OF THE CITY OF STATESVILLE, SO AS TO INCREASE THE COSTS ALLOWED IN THE MAYOR'S COURT OF THE CITY OF STATESVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Charter of the City of Statesville as set forth in Chapter two hundred and forty-three of the Private Laws of one thousand nine hundred and eleven, is hereby amended by striking out the last sentence of Section twenty-two, prescribing the costs allowed in the mayor's court, and inserting in lieu thereof the following:

Ch. 243, Private  
Laws, 1911,  
amended.

"In every criminal case tried in the Mayor's Court of the City of Statesville there shall be taxed by the clerk thereof as costs to be paid by the defendant, when convicted, the sum of four dollars (\$4.00) as the defendant's fee, the sum of two dollars (\$2.00) as the arrest fee, the sum of fifty cents (50¢) as the fee for issuing of warrant, the sum of fifty cents (50¢) as the clerk's fee, and in addition thereto, the sum of fifty-five cents (55¢) per diem for a jail fee, if the defendant has been confined to jail, and the sum of sixty cents (60¢) for the turnkey fee, also if the defendant has been confined to jail, and any other fees, not covered herein, shall be the same as now allowed, or which may hereafter be allowed, in trials before justices of the peace, but all costs so collected in the mayor's court shall be paid into the city treasury: Provided, however, that in case of an appeal to the county recorder's court, or in the event that the defendant is bound over to the county recorder's court, or in the event that the defendant is bound over to the Superior Court, when defendant is convicted and no costs are collected, the county shall pay only one dollar and seventy-five cents (\$1.75) as costs to the mayor's court.

Costs in criminal  
cases in Mayor's  
Court of City  
of Statesville.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 294

## CHAPTER 431

AN ACT TO AMEND THE RETIREMENT SYSTEM FOR TEACHERS AND STATE EMPLOYEES WITH REFERENCE TO PRIOR SERVICE OF CERTAIN STATE HIGHWAY AND PUBLIC WORKS COMMISSION EMPLOYEES.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 25,  
Public Laws, 1941,  
amended.

SECTION 1. Amend Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one, Section one, Subsection (10), by striking out in the last line of said subsection the phrase "where such employment has been continuous."

Persons entitled  
to benefit of  
this Act.

SEC. 2. That all persons who have heretofore been retired under this system, as well as those who may hereafter be retired, whose status is affected by this change in the law shall be entitled to the benefit of this Act.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 375

## CHAPTER 432

AN ACT TO AMEND SECTION SEVEN OF ARTICLE FOURTEEN OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO DOUBLE OFFICE HOLDING.

*The General Assembly of North Carolina do enact:*

Sec. 7, Art. 14,  
N. C. Constitution,  
amended.

SECTION 1. That Section seven of Article fourteen of the Constitution of North Carolina be, and the same hereby is, amended by rewriting the proviso of said section to read as follows, it being the intent and purpose of this amendment to exempt notaries public from the prohibition of double office holding:

Notaries public  
and certain others  
exempt from prohibi-  
tion of double  
office holding.

"Provided, that nothing herein contained shall extend to officers in the militia, notaries public, justices of the peace, commissioners of public charities, or commissioners for special purposes."

Proposed amend-  
ment to be sub-  
mitted to voters  
at next general  
election.

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Form of ballots.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words "For Amendment Exempting Notaries Public from Prohibition against Double Office Holding," and those opposed shall vote a ballot on which shall be written or printed the

words "Against Amendment Exempting Notaries Public from Prohibition against Double Office Holding."

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Conduct of election.

If adopted, amendment to be certified by Governor under Seal of State.

To be enrolled by Secretary of State.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 388

CHAPTER 433

AN ACT TO CREATE AN ALCOHOLIC BEVERAGE CONTROL BOARD AND TO PROVIDE FOR THE CONTROL OF THE SALE OF ALCOHOLIC BEVERAGES IN HALIFAX COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created and set up a County Alcoholic Beverages Control Board for the County of Halifax. This board shall consist of three members, two of whom shall serve for a term of two years and until their successors are appointed by a subsequent Act of the General Assembly and they have duly qualified for office. Vacancies occurring in the board by reason of the death, resignation or otherwise, of either one of these two members shall be filled by the board. These two members of said board shall, on or before March fifteenth, one thousand nine hundred and forty-three, meet and qualify by taking the oath of office prescribed by statute for public officers, and by filing a bond in the amount of five thousand dollars (\$5,000.00) to be approved by the Clerk of the Superior Court of Halifax County. Said bonds shall be conditioned upon the full and faithful discharge of all duties imposed upon the members of the board by this Act and all other provisions of law. The cost of said bonds shall be paid from the funds belonging to the alcoholic beverages control board. Said members shall immediately, upon qualifying for office, organize and elect a chairman. The third member of said board shall be a member of the board of county commis-

A. B. C. Board for Halifax County created.

To consist of 3 members. Terms of 2 of said members. Vacancies.

Meeting of said 2 members.

Bond.

Third member to be member of Board of County Commissioners.

Powers and duties of third member.	tioners and shall serve as an ex officio member of the alcoholic beverages control board. He shall possess all the powers as the other members of the board. He shall not be required to take an oath of office to qualify for this board, nor shall he be required to give bond. His term of office shall be during his term of office as county commissioner, but not to exceed two years. His successor shall be appointed by a subsequent Act of the General Assembly from the membership of the board of county commissioners. Any vacancy occurring because of the death or resignation of this member shall be filled by the alcoholic beverages control board from the membership of the board of county commissioners. The alcoholic beverages control board shall consist of C. D. Liske of Roanoke Rapids, David L. Suiter of Weldon, and G. H. Johnson of Scotland Neck, a member of the Board of County Commissioners of Halifax County.
Term.	
Successor.	
Vacancy.	
Original members of board.	
Compensation.	SEC. 2. The members of the Alcoholic Beverages Control Board of Halifax County shall receive the same per diem and mileage as that paid to the members of the Halifax County Board of Commissioners for the time actually spent in the performance of their official duties.
Powers of board.	SEC. 3. The Alcoholic Beverages Control Board of Halifax County, created by this Act, shall possess all power and authority which is necessary and proper in carrying out the provisions of the law relative to the sale and distribution of intoxicating beverages in regular stores set up and operated under the provisions of the Alcoholic Beverages Control Act.
Employment of manager and other personnel.	SEC. 4. The Alcoholic Beverages Control Board of Halifax County is authorized and empowered to employ a manager and such other personnel as may be found by the board to be necessary in the operation of alcoholic beverage control stores in Halifax County and to fix the compensation of such manager and other employees. The manager employed by the board shall give bond in the sum of ten thousand dollars (\$10,000.00), to be approved by the Clerk of the Superior Court of Halifax County and filed and recorded in his office. Said bond shall be conditioned upon the full and faithful performance of all duties as manager of the alcoholic beverages control system and for the restoration to the board, in event of death or resignation, of all books, papers, vouchers, moneys, and other properties belonging to the board or the system that may be in his possession or control. The cost of said bond shall be paid by the board from funds belonging to said board. The manager shall perform such duties and exercise such authority as may be prescribed from time to time by the alcoholic beverages control board. He may recommend to the board the employment of certain persons by the board, but the board shall have full and final authority as to the employment of any such person for designated position.
Bond of manager.	
Condition of bond.	
Powers and duties of manager.	

SEC. 5. The present Alcoholic Beverages Control Board of Halifax County, composed of the county commissioners of said county and their agent or agents, shall turn over to the board created by this Act, on or before April first, one thousand nine hundred and forty-three, all moneys, bank credits, stocks of merchandise, equipment, equity in contracts, books of records, bills receivable, accounts payable, and all other property and effects of any kind or nature used in or incident to the operation of the Alcoholic Beverages Control System in Halifax County. On March thirty-first, one thousand nine hundred and forty-three, all alcoholic beverage control stores in Halifax County shall be closed and an inventory of all stocks, property, and other effects belonging to the Alcoholic Beverages Control System in Halifax County shall be taken jointly by the outgoing and incoming boards, or their agents. Such inventory shall be in writing and shall include the quantity and cost price of the stocks of merchandise and the number of articles and the value of other property. The inventory herein provided for shall be available to the auditor who shall make a complete audit of the affairs of said alcoholic beverages control system as of March thirty-first, one thousand nine hundred and forty-three. The outgoing board shall make no distribution of the funds accumulated during the quarter beginning January first, one thousand nine hundred and forty-three, but shall turn over the operating funds of the quarter, all reserve funds, including law enforcement reserve funds, plus the earnings for the quarter, intact to the incoming board. The incoming board shall apportion seventeen and one half per cent (17½%) of the net profits for the quarter beginning January first, one thousand nine hundred and forty-three, to the several municipal corporations within the County of Halifax where stores are operated. The remaining net profits for said quarter shall be paid over to the Halifax County Board of Commissioners to be used for debt service. The remainder of the funds received by the incoming board, including accumulated law enforcement reserves, shall, after setting aside a sufficient amount to cover working capital, operating expenses, and the legal percentage of the net earnings for the past quarter for law enforcement, be paid to the Board of County Commissioners of Halifax County to be used for debt service.

Money, property, etc., of present A. B. C. Board of Halifax County to be turned over to board created by this Act.

Inventory of A. B. C. stores.

Audit.

Certain funds to be turned over to new board.

Disposition of certain funds by incoming board.

The County Alcoholic Beverages Control Board of Halifax County shall set aside and pay over to the County Commissioners of Halifax County three thousand dollars (\$3,000.00) for Halifax County's participation in the North Carolina Library Commission program. Thereafter, the alcoholic beverages control board shall pay for library service, two dollars (\$2.00) for each one dollar (\$1.00) available from the North Carolina Library Commission.

Payment for N. C. Library Commission program.

Payments for library service.

Quarterly audits of books of A. B. C. system.

SEC. 6. The books and records of the alcoholic beverages control system shall be audited quarterly by the auditor or auditing firm employed to do the regular county auditing, and said quarterly audits shall be made available to the press for inspection and review. The board shall quarterly set up cash reserves and apportion seventeen and one half per cent (17½%) of the net profits to the several municipal corporations within the County of Halifax where stores are operated by the board. Each municipality shall participate only to the extent of seventeen and one half per cent (17½%) of the net profits from the store or stores located in such municipality. The remaining net profits are to be turned over to the Halifax County Board of Commissioners to be used for debt service.

Allocation of part of net profits to certain municipalities.

Portion of net profits to be used for debt service.

Expenditures for law enforcement.

SEC. 7. The amount of funds allocated by the board to law enforcement shall be expended by the board in such a manner as to secure the maximum amount of results, and to this end said board is authorized and empowered to expend said funds in coöperation with the sheriff's department of Halifax County, in the discretion of said board.

Receipts deposited daily.

Disbursements by check signed by manager and chairman of board.

SEC. 8. All funds realized from the operation of alcoholic beverage control stores in Halifax County shall be deposited in the bank daily. All disbursements of said funds shall be made by check and each check shall be signed by the manager and countersigned by the chairman of the board.

Powers and duties herein conferred to be subject to powers of State A. B. C. Board.

SEC. 9. That all the powers and duties herein conferred upon the Alcoholic Beverages Control Board of Halifax County shall be subject to the powers granted by law to the State Alcoholic Beverages Control Board, and, whenever or wherever the State board has been given power to approve or disapprove anything in respect to boards, county stores or county boards, then no act on the part of the board created by this Act shall be exercisable or valid until and unless the same has been approved by the State board.

Method of operation of A. B. C. system.

SEC. 10. The Alcoholic Beverages Control Board of Halifax County, created by this Act, shall operate the Alcoholic Beverages Control System in Halifax County in an efficient and economical manner and shall operate said system as nearly within the limits of the present cost as possible, unless the decrease or increase in the volume of business may justify the increase or decrease of said operation expenses.

Application of Act.

SEC. 11. That this Act shall apply only to Halifax County.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 13. That this Act shall be in full force and effect from and after March first, one thousand nine hundred and forty-three.

Ratified this the 4th day of March, 1943.

H. B. 397

## CHAPTER 434

AN ACT TO AMEND SECTION SIX THOUSAND THREE HUNDRED OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, VOLUME II, AS AMENDED, RELATING TO THE POWER OF THE INSURANCE COMMISSIONER TO REVOKE THE LICENSE OF AN INSURANCE AGENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Section six thousand three hundred of the Consolidated Statutes of one thousand nine hundred and nineteen, Volume two, as amended, by inserting in line six after the comma following the word "policies" and before the word "or" the following: "or has exercised coercion in obtaining an application for or in selling insurance."

C. S. 6300 amended as to power of Insurance Commissioner to revoke license of insurance agent.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 440

## CHAPTER 435

AN ACT TO CREATE A MUNICIPAL BOARD OF ELECTIONS FOR THE TOWN OF BOONE IN WATAUGA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. There is hereby created for the Town of Boone in Watauga County, North Carolina, a municipal board of elections which shall consist of the following members: James Councille, Grady Moretz, and a third member to be named by the Clerk of the Superior Court of Watauga County. The Clerk of the Superior Court of Watauga County is authorized to make appointments to fill any vacancies which may occur in the membership of the board.

Municipal board of elections for Town of Boone created.

C. S. C. of Watauga County to fill vacancies.

SEC. 2. The municipal board of elections shall appoint registrars and judges of elections and shall exercise all powers and authority heretofore exercised by the governing body of the Town of Boone with respect to municipal elections.

Powers and duties of board.

SEC. 3. The members of the municipal board of elections shall serve without compensation.

Members to serve without compensation.

SEC. 4. This Act shall apply only to the Town of Boone in Watauga County, North Carolina.

Application of Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 458

CHAPTER 436

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FORTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE AUDITING OF FUNDS OF MITCHELL COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 442, Public-Local Laws, 1941, rewritten.

SECTION 1. That Section one of Chapter four hundred and forty-two of the Public-Local Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

Board of County Commissioners of Mitchell County to have biennial audits.

“SECTION 1. That the Board of County Commissioners of Mitchell County is hereby authorized and empowered and they shall have a complete audit made from July first, one thousand nine hundred and thirty-nine, through June thirtieth, one thousand nine hundred and forty-two, and biennially thereafter; and said audit shall be retroactive on all debt service, exemptions and releases to one thousand nine hundred and thirty-five.”

Sec. 2, Ch. 442, Public-Local Laws, 1941, rewritten.

SEC. 2. That Section two of Chapter four hundred and forty-two of the Public-Local Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

Resident Judge of 17th Judicial District to appoint auditor.

“That the resident judge of the seventeenth judicial district be and is hereby authorized to appoint a certified public accountant to make this audit.”

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 469

## CHAPTER 437

AN ACT TO AMEND SECTION NINE HUNDRED AND NINETY-SIX OF THE CONSOLIDATED STATUTES RELATING TO REVOCATION OF DEEDS OF FUTURE INTERESTS MADE TO PERSONS NOT IN ESSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and ninety-six of the Consolidated Statutes, as amended, be further amended by striking out the period at the end of said section and inserting a colon in lieu thereof, and by adding the following:

C. S. 996, relating to revocation of deeds of future contingent interests to persons not in esse, amended.

“Provided, further, that this section shall not apply to any instrument hereafter executed creating such a future contingent interest when said instrument shall expressly state in effect that the grantor, make, or trustor may not revoke such interest: Provided, further, that this section shall not apply to any instrument heretofore executed whether or not such instrument contains express provision that it is irrevocable unless the grantor, maker, or trustor shall within six months after the effective date of this proviso either revoke such future interest, or file with the trustee an instrument stating or declaring that it is his intention to retain the power to revoke under this section: Provided, further, that in the event the instrument creating such estate has been recorded, then the revocation or declaration shall likewise be recorded before it becomes effective.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 476

## CHAPTER 438

AN ACT FOR THE RELIEF OF PERSONS CALLED INTO THE ARMED SERVICE OF THE UNITED STATES AND INTO THE MERCHANT MARINE FROM LIABILITY TO PAY LICENSE TAXES AND FEES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person serving in any branch of the armed forces of the United States or in the Merchant Marine during the period of such service shall be exempt from liability for any and all license taxes levied by the State or by any county or city in the State for the privilege of engaging in or carrying on any trade or profession in the State, which trade

Members of Armed Forces and Merchant Marine exempt from liability on certain license taxes.

No exemption from license tax for carrying on trade or profession through agents, etc.

or profession such a person immediately prior to being called into such service was engaged in: Provided, that nothing herein contained shall relieve such person of any license tax for carrying on any trade or profession conducted through agents or employees or which is conducted in the name of and under the license of such person so entering into the service of the United States.

Exemption from certain license fees.

SEC. 2. That any person entering into the armed forces of the United States or in the Merchant Marine shall be during the period of such service exempt from paying any license fees to any licensing board or commission or to the State of North Carolina in which the payment of such license fees is by law required as a condition to the continuance of the privilege to engage in any trade or profession. Such a person upon being discharged from such service shall have all the rights and privileges to engage in such profession upon payment of such fees as may thereafter become due, to the same extent as though such activity had not been suspended during the period of such service.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 486

## CHAPTER 439

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, THE SAME BEING THE MOTOR VEHICLE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE EXTENT OF PROPERTY DAMAGE IN MOTOR VEHICLE ACCIDENTS REQUIRED TO BE REPORTED.

*The General Assembly of North Carolina do enact:*

Sec. 128, Ch. 407, Public Laws, 1937, relating to extent of property damage in motor vehicle accidents required to be reported, amended.

SECTION 1. That Section one hundred and twenty-eight of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, as amended, is hereby further amended by striking out in Subsection (d), line three, the words "ten dollars (\$10.00)," and substituting in lieu thereof the words "twenty-five dollars (\$25.00)."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 4th day of March, 1943.

H. B. 488                      CHAPTER 440

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN TO PROVIDE FOR CERTIFICATION OF SCHOOL BUS DRIVERS BY REPRESENTATIVES DESIGNATED BY THE COMMISSIONER OF MOTOR VEHICLES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and ninety-seven of the Public Laws of one thousand nine hundred and thirty-seven, is hereby amended by adding after the words "highway patrol of North Carolina in lines six and seven, the following:

Ch. 397, Public Laws, 1937, amended to permit certification of school bus drivers by representatives of Commissioner of Motor Vehicles.

" , or from any representative duly designated by the Commissioner of Motor Vehicles,"

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 4th day of March, 1943.

H. B. 506                      CHAPTER 441

AN ACT TO REGULATE THE FEES FOR APPRAISERS OF HOMESTEAD AND PERSONAL PROPERTY EXEMPTIONS IN DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person who is summoned and serves as an appraiser to allot the homestead or appraise any personal property exemption in Durham County shall be entitled to an appraiser's fee of three dollars (\$3.00) per day. When both exemptions are claimed by the judgment debtor, at the same time, one board of appraisers must lay off both, and are entitled to but one fee.

Fees of certain appraisers in Durham County

SEC. 2. That this Act shall apply only to Durham County.

Application of Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 508

## CHAPTER 442

AN ACT TO AUTHORIZE THE STATE DEPARTMENT OF AGRICULTURE TO REIMBURSE JERRY AND MILDRED LEE FOR MEDICAL AND OTHER EXPENSES INCURRED IN AUTOMOBILE COLLISION WITH CATTLE BELONGING TO SAID DEPARTMENT.

## Preamble:

Car operated by Mildred Lee on highway in Pender County.

WHEREAS, on or about the twenty-seventh day of October, one thousand nine hundred and forty-one, Mildred Lee was operating her husband's car on the highway from Willard towards Wallace, in Pender County, North Carolina; and

Cattle belonging to State Department of Agriculture driven to said highway.

WHEREAS, as she approaches the crest of a hill on said highway certain cattle belonging to the State Department of Agriculture were driven up on said highway, in an effort to cross it, by the employee of the Coastal Plain Station; and

Mrs. Lee confronted with cattle in front of car.

WHEREAS, the said Mildred Lee was suddenly confronted with the said cattle immediately in front of her car and too late for her to stop the same; and

## Collision.

WHEREAS, in the collision with the said cattle the said car was damaged and Mrs. Lee received severe permanent injuries and has incurred considerable medical and hospital bills on account of said injuries brought about by no fault or negligence on her part; and

Injuries sustained by Mrs. Lee.

Lees have no remedy at law.

WHEREAS, the said Jerry and Mildred Lee do not have any remedy at law against the State Department of Agriculture but are entitled to be reimbursed in the sum of six hundred dollars (\$600.00): Now, therefore,

Entitled to be reimbursed.

*The General Assembly of North Carolina do enact:*

Reimbursement authorized upon certain findings by Department of Agriculture.

SECTION 1. The State Department of Agriculture is authorized and empowered to make a full and thorough investigation of the collision between the car of the said Jerry Lee and operated by his wife, Mildred Lee, and the cattle owned by the Department of Agriculture on or about October twenty-seventh, one thousand nine hundred and forty-one, and if from said investigation the Department of Agriculture determines that said collision was brought about by no negligence or wrongful acts of the said Jerry or Mildred Lee, but that said collision was caused by the negligence of the employees of the Coastal Plain Station, and finds further that said parties have received injuries and damages for which they should be compensated, upon said finding and determination by the said Department of Agriculture, it is hereby authorized and empowered to reimburse the said Jerry Lee and wife, Mildred Lee, for the damages and injuries sustained by them not in excess of six hundred dollars (\$600.00).

Not to exceed \$600.00.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 509

CHAPTER 443

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES OF THE STATE, WHEN APPROVED BY THE GOVERNOR AND COUNCIL OF STATE, FOR REFUNDING OR TAKING UP THE FIRST MORTGAGE BONDS AND CERTAIN INDEBTEDNESS OF THE ATLANTIC AND NORTH CAROLINA RAILROAD.

WHEREAS, the State of North Carolina has a direct pecuniary interest in the Atlantic and North Carolina Railroad Company by reason of the ownership of approximately seventy-two per cent (72%) of the outstanding capital stock of said company; and

Preamble:  
State has pecuniary interest in Atlantic and North Carolina Railroad Co.

WHEREAS, the Atlantic and North Carolina Railroad Company is now in default in the payment of its outstanding first mortgage bonds which fell due on the first day of July, one thousand nine hundred and forty-two, in the principal sum of two hundred ninety-five thousand and five hundred dollars (\$295,500.00), and interest which will accrue and be due and payable on said bonds by April first, one thousand nine hundred and forty-three, amounting to forty-eight thousand seven hundred twelve dollars and fifty cents (\$48,712.50); and

Railroad in default on certain mortgage bonds.

Interest due on bonds on April 1, 1943.

WHEREAS, the holders of the said bonds have agreed to reduce all interest on said bonds to three per cent (3%) and to accept in full payment of the interest thereon up to April first, one thousand nine hundred and forty-three, the sum of thirty-three thousand two hundred and six dollars and twenty-five cents (\$33,206.25), provided the same is paid on or before April first, one thousand nine hundred and forty-three; and

Bondholders have agreed to reduce interest rate, and to accept reduced interest payment if paid by April 1, 1943.

WHEREAS, it is impossible at this time for the Atlantic and North Carolina Railroad Company to pay the said bonds or to sell the same on the open market at any reasonable rate of interest; and

Impossible for railroad to pay bonds.

WHEREAS, unless the said bonds and interest are paid, the holders of the same will cause the deed of trust securing same to be foreclosed and the equity of the railroad company in said property lost; and

Equity of railroad will be foreclosed unless bonds paid.

WHEREAS, on September sixth, one thousand nine hundred and thirty-seven, the State Sinking Fund Commission, acting

State Sinking Fund Commission made loan to railroad in 1935.

under the authority of Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and thirty-five, made a loan to the Atlantic and North Carolina Railroad Company in the sum of one hundred four thousand and nine hundred dollars (\$104,900.00), bearing interest at five per cent (5%), which note is now outstanding and unpaid, which loan was made at the time the receivers of the Norfolk and Southern Railroad Company had repudiated the lease of the Atlantic and North Carolina Railroad Company properties and thrown the same back upon the company in depleted condition, both as to its railroad tracks and as to its equipment, and it was necessary to make said loan in order to make it possible for the said railroad to operate; and

State loan now outstanding.

Properties of said railroad leased in 1939 to Atlantic and East Carolina Railway Co.

WHEREAS, the properties of the Atlantic and North Carolina Railroad Company have been leased to the Atlantic and East Carolina Railway Company for a period of twenty-five years, beginning on the first day of September, one thousand nine hundred and thirty-nine, at a minimum rent of sixty thousand and five hundred dollars (\$60,500.00) a year, and, in addition thereto, further rents based upon a percentage of certain gross railway operating revenues; and

Rental.

Railroad properties now successfully operated.

WHEREAS, the said railroad properties are now being successfully and efficiently operated by the said lessee company and serving an important section of the State of North Carolina, and being the only railroad facilities from New Bern to the deep water port at Morehead City, North Carolina; and

Serving certain military and naval installations.

WHEREAS, said railroad now, among other things, is serving the great Marine Air Base at Cherry Point, as well as other military and naval installations at and near Morehead City; and

State and U. S. concerned with successful operation.

WHEREAS, the State and Federal Governments are vitally concerned in the continued successful operation of the railroad properties of the Atlantic and North Carolina Railroad Company; Now, therefore,

*The General Assembly of North Carolina do enact:*

Loan to said Railroad authorized.

SECTION 1. That the Governor, by and with the advice of the Council of State, is hereby authorized and empowered to make a loan to the Atlantic and North Carolina Railroad Company of a sum sufficient to take up the outstanding first mortgage bonds referred to in the preamble to this Act, with accrued interest at three per cent (3%), and to refund the note now held by the State Sinking Fund, dated September sixth, one thousand nine hundred and thirty-five, for the principal sum of one hundred four thousand and nine hundred dollars (\$104,900.00), with interest at such rate as may be determined by the Governor, by and with the approval of the Council

Loan to be sufficient to take up first mortgage bonds and existing State loan.

Interest rate.

of State. That as may be determined by the Governor, by and with the approval of the Council of State, the said loans may be made to the Atlantic and North Carolina Railroad Company by way of purchase of the outstanding first mortgage bonds of the said Railroad Company or in such other form or manner as may be determined by the Governor, with the approval aforesaid. That the money so to be advanced or loaned to the Atlantic and North Carolina Railroad Company shall be at such rate of interest and on such terms and maturities as may be determined by the Governor, with the advice of the Council of State.

Manner of making loan.

Interest rate and terms of loan determined by Governor with advice of Council of State.

SEC. 2. That in order to provide the funds to be loaned as aforesaid, there is hereby appropriated a sum not exceeding four hundred and fifty-one thousand dollars (\$451,000.00) out of the General Fund of the State. In order to provide the said funds, the bonds of the State in a sum not exceeding four hundred and fifty-one thousand dollars (\$451,000.00) may be issued in such denomination, form, maturities, and shall bear such interest rate and carry such provisions for the retirement thereof as may be determined by the Governor and Council of State. Upon the sale of said bonds, the proceeds of such sale shall be deposited with the Treasurer of the State of North Carolina for the purposes aforesaid.

Appropriation for loan.

State bonds to be issued to provide funds for loan.

Terms and interest rate.

SEC. 3. That the full faith, credit and taxing power of the State are hereby pledged for the payment of the principal and interest of the bonds and notes herein authorized. All of said bonds and coupons shall be exempt from all State, county and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, and the interest on said bonds shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation. It shall be lawful for all executors, administrators, guardians and fiduciaries generally, and all sinking fund commissioners, to invest any moneys in their hands in said bonds. The coupons of said bonds after maturity shall be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of any kind whatsoever.

Credit of State pledged.

Bonds of state to be exempt from taxation.

Lawful investment for fiduciaries and others.

Coupons receivable in payment of debts due State.

SEC. 4. That the bonds herein authorized to be issued, subject to the provisions of this Act, shall bear such date or dates and such rate or rates of interest, nor exceeding four per centum (4%) per annum, payable semiannually, and shall mature at such time or times, not exceeding thirty years from their date, or respective dates, as may be fixed by the Governor and Council of State. Said bonds shall carry interest coupons which shall bear the signature of the State Treasurer, or a facsimile thereof, and said bonds shall be subject to registration and be

Terms of bonds to be fixed by Governor and Council of State.

Registration.



application it shall appear to the court that such person has violated, or is violating, the provisions of this article, the court shall issue an order restraining any further violations thereof. All such actions by the board for injunctive relief shall be governed by the provisions of Article thirty-six of the chapter on "Civil Procedure." Provided, such injunctive relief may be granted regardless of whether criminal prosecution has been or may be instituted under the provisions of Section six thousand six hundred and ninety-eight."

Court to restrain violations.

Procedure for injunctions.

Ratified this the 4th day of March, 1943.

H. B. 520

CHAPTER 445

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE RELATING TO THE OFFICE OF TREASURER OF PERSON COUNTY SO AS TO PROVIDE FOR THE ELECTION OF A TREASURER FOR PERSON COUNTY FOR A TERM OF FOUR YEARS RATHER THAN FOR A TERM OF TWO YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter three hundred and forty-eight of the Public-Local Laws of the Session of one thousand nine hundred and twenty-five be and the same hereby is amended by adding a new sentence at the end of said section to read as follows:

Sec. 3, Ch. 348, Public-Local Laws, 1925, amended.

"Beginning with the general election held in the year one thousand nine hundred and forty-four, the Treasurer of Person County shall be elected for a term of four years instead of for a term of two years and thereafter the election of the Treasurer of Person County shall be held quadrennially rather than biennially."

Term of office of Treasurer of Person County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 540

## CHAPTER 446

## AN ACT TO REGULATE THE EXPENDITURES OF LAW ENFORCEMENT FUNDS BY THE PASQUOTANK COUNTY ALCOHOLIC BEVERAGES CONTROL BOARD.

*The General Assembly of North Carolina do enact:*

Enforcement officers to be employed by Pasquotank County A. B. C. Board.

SECTION 1. The Pasquotank County Alcoholic Beverages Control Board is hereby authorized and empowered to expend the funds set aside by said board for law enforcement, under the authorization contained in the Alcoholic Beverages Control Act, in the employment of enforcement officers to be employed by the board on a full time basis or in coöperation with the sheriff's department and the police department of the City of Elizabeth City by the payment of part or all the salaries of certain designated deputy sheriffs or police officers, as in their discretion they may deem just and proper, in order that the maximum amount of results may be secured from the use of said funds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 541

## CHAPTER 447

## AN ACT TO AMEND SECTION ONE OF CHAPTER FORTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, TO PLACE THE REGISTER OF DEEDS ON A SALARY BASIS.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 48, Public-Local Laws, 1931, repealed.

SECTION 1. That Section one of Chapter forty-eight of the Public-Local Laws of one thousand nine hundred and thirty-one is hereby repealed.

Salary of Register of Deeds of Madison County.

SEC. 2. That, from and after the ratification of this Act, the Register of Deeds of Madison County shall receive as compensation the sum of two thousand and four hundred dollars (\$2,400.00) per annum, payable monthly. This salary shall be the full compensation of the said register of deeds, and shall be in lieu of all fees whatsoever.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three. Effective date.

Ratified this the 4th day of March, 1943.

H. B. 555

CHAPTER 448

AN ACT TO AMEND SECTIONS ONE THOUSAND SIX HUNDRED AND SIXTY-ONE AND ONE THOUSAND SIX HUNDRED AND FIFTY-NINE OF THE CONSOLIDATED STATUTES, AND CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN (ONE THOUSAND SIX HUNDRED AND FIFTY-NINE a), TO CHANGE THE RESIDENCE REQUIREMENT FOR DIVORCE FROM ONE YEAR TO SIX MONTHS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand six hundred and sixty-one of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be, and the same hereby is, amended by striking out the following language appearing therein, "and that complainant has been a resident of the State for one year next preceding the filing of the complaint," and in lieu thereof inserting the following: "and that complainant has been a resident of the State for six months next preceding the filing of the complaint." C. S. 1661 amended to change residence requirements of complainant in suit for divorce.

SEC. 2. That Subsection four of Section one thousand six hundred and fifty-nine of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same hereby is, amended by striking out the following, "and the plaintiff in the suit for divorce has resided in this State for one year," and substituting in lieu thereof the following: "and the plaintiff in the suit for divorce has resided in this State for six months." C. S. 1659 amended to change residence requirements of plaintiff in suit for divorce.

SEC. 3. That Section one of Chapter one hundred of the Public Laws of one thousand nine hundred and thirty-seven be, and the same hereby is, amended by striking out that part thereof reading as follows, "Section 1. Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the husband and wife have lived separate and apart for two years, and the plaintiff in the suit for divorce has resided in the State for a period of one year," and substituting in lieu thereof the following: Sec. 1, Ch. 100, Public Laws, 1937, amended.

"SECTION 1. Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the husband and wife have Dissolution of marriages.  
Two years' separation.

Residence of plaintiff in State for 6 months.

lived separate and apart for two years, and the plaintiff in the suit for divorce has resided in the State for a period of six months."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 563

## CHAPTER 449

### AN ACT TO PAY THE HOSPITAL AND MEDICAL EXPENSE FOR SARAH LEE STANLEY, A MINOR CHILD, FOR INJURIES CAUSED BY SCHOOL BUS.

Preamble:

Sarah Lee Stanley, minor, injured by school bus of State School Commission.

WHEREAS, on the twelfth day of April, one thousand nine hundred and forty-two, Sarah Lee Stanley, a minor child, of Beaufort County received personal injuries in the form of a "fracture at juncture of middle one-third and lower one-third of right femur" by being struck by a school bus owned by the State School Commission while she was playing on the school grounds of the Belhaven colored school; and

Bus operated by regular driver in careless manner.

WHEREAS, the said bus was being operated by the regular bus driver employed by the State School Commission in a careless manner; and

Expenses of treatment of minor.

WHEREAS, it appears that hospital, medical and drug expenses have accrued for the treatment of said minor child in the sum of approximately three hundred and seventy-five dollars (\$375.00); and

Parents unable to pay expenses.

WHEREAS, the said minor child and her parents are not financially able to pay the expenses incurred for such hospital and medical attention, which was brought about by no fault on their part; and

No legal remedy at law.

WHEREAS, there is no legal remedy available to said parties against the State School Commission or the State of North Carolina to compel it to pay said expenses; and

Proper that expenses be paid by Commission.

WHEREAS, it is just and proper that the said expenses be paid by the said State School Commission: Now, therefore,

*The General Assembly of North Carolina do enact:*

Commission authorized to pay certain expenses for treatment of child upon certain findings.

SECTION 1. The State School Commission is hereby authorized and empowered to investigate the claim of the said Sarah Lee Stanley referred to above and, upon production of satisfactory proof that the collision and damage occurred through negligence of operation of the school bus by the driver thereof and that

there was no contributory negligence on the part of the said Sarah Lee Stanley, the State School Commission is authorized and empowered to pay the hospital, medical and drug expenses incurred in connection with the injuries of the said Sarah Lee Stanley not to exceed three hundred and seventy-five dollars (\$375.00)."

Not to exceed  
\$375.00.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 567

## CHAPTER 450

### AN ACT TO PERMIT AND AUTHORIZE THE MERGER OF BUILDING AND LOAN ASSOCIATIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ninety-three, Subchapter one, Article one, of Volume two of the Consolidated Statutes, as amended, be further amended by adding immediately after Section five thousand one hundred and seventy-five (d) a new section, as follows:

Ch. 93, Subchapter  
1, Article 1, C. S.,  
amended.

SECTION 5175 (e) Merger of building and loan associations. Any two or more building and loan associations organized or to be organized, or existing under the laws of this State and operating under the provisions of Subchapter one of Chapter ninety-three of the Consolidated Statutes of North Carolina, as amended, may merge into a single association which may be either one of said merging associations, and the procedure to effect such merger shall be as follows:

Merger of build-  
ing and loan asso-  
ciations author-  
ized.

1. The directors, or a majority of them, of such associations as desire to merge, may, at separate meetings, enter into a written agreement of merger signed by them, and under the corporate seals of the respective associations, specifying each association to be merged and the association which is to receive into itself the merging association or associations, and prescribing the terms and conditions of the merger and the mode of carrying it into effect. Such merger agreement may provide the manner and basis of converting or exchanging the shares in the association or associations so merged for shares of the same or a different class of the receiving association.

Procedure to  
effect merger.

Written agreement  
of merger.

Execution of  
agreement.

Terms of merger.

Exchange of  
shares of associa-  
tions.

2. Such merger agreement together with the copies of the minutes of the meetings of the respective boards of directors verified by the secretaries of the respective meetings shall be submitted to the Insurance Commissioner, who shall cause a

Merger agreement  
and minutes to  
be submitted to  
Insurance Commis-  
sioner.

Investigation by Commissioner.	careful investigation and examination to be made of the affairs of the associations proposing to merge, including a determination of their respective assets and liabilities. The reasonable
Cost of investigation.	cost and expenses of such examination shall be defrayed by each association so investigated and examined. If, as a result of such investigation, he shall conclude that the shareholders of each of the associations proposing to merge will be benefited thereby, he shall, in writing, approve same, or shall, if he deems that the proposed merger will not be in the interest of all members of the associations so merging, disapprove, in writing, the same. If he approve the merger agreement, then same shall be submitted, within thirty days after notice to such associations of such approval, to the shareholders of each of such associations, as provided in the next subsection.
Approval or disapproval.	
To be submitted to shareholders.	
Meeting of shareholders.	3. A special meeting of the shareholders of each of said associations shall be held separately upon written notice to each shareholder of not less than twenty days, specifying the time, place and purpose for which such meeting is called and such notice shall be served personally or sent by mail, postage prepaid, to each shareholder at the last known address of such shareholder appearing upon the books of the association; of the time, place and object of which meeting due notice shall be given by publication at least once a week for four successive weeks in one or more newspapers published in the county wherein each such association has its principal office or conducts its business, (and if there be no newspaper published in such county then in a newspaper published in an adjoining county). The secretary or other officer of the association shall make proof by affidavit at such meeting of the due service of the notice or call for said meeting.
Written notice to shareholders.	
Notice by publication.	
Proof of service of notice.	
Two-thirds vote of shareholders present required for determination to merge.	4. At separate meetings of the shareholders of each of such associations, called and held as above provided, such shareholders representing a majority of the outstanding shares of stock entitled to vote, by affirmative vote of at least two thirds of the shareholders present, in person or by proxy, may declare by resolution the determination to merge into a single association upon terms of the merger agreement as shall have been agreed upon by the directors of the respective associations and as approved by the Insurance Commissioner. Members of the associations who do not attend the meetings or who do not vote thereat, shall, if the merger is so approved by the members, be deemed to consent to the merger. Upon the adoption of such resolution, a copy of the minutes of the proceedings of such meetings of the shareholders of the respective associations, certified by the president or vice president and secretary or assistant secretary of the merging associations, shall be filed in the office of the Insurance Commissioner of this State, within ten days after such meetings, and within fifteen days after the receipt of a certified copy of the minutes
Members not voting or attending meeting deemed to have consented.	
Certified copy of minutes of shareholders' meeting to be filed with Commissioner.	
Commissioner to approve or disapprove.	

of said meetings the Insurance Commissioner shall either approve or disapprove the same. If the proceedings be approved by him he shall so endorse the certified copy of the minutes in his office, and shall issue a certificate certifying his approval of the merger and send same to each of said associations. Such certificate shall be filed and recorded in the office of the clerk of Superior Court of the county or counties in this State in which the respective associations so merged shall have their original certificates of incorporation recorded; provided, that the only fees that shall be collected in connection with the merger of said associations shall be filing and recording fees. When such certificate is so filed, the merger agreement shall take effect according to its terms and shall be binding upon all the members of the associations so merging, and the same shall thence be taken and deemed to be the act of merger of such constituent building and loan associations under the laws of this State, and such record or certified copy thereof shall be evidence of the agreement and act of merger of said building and loan associations and the observance and performance of all acts and conditions necessary to have been observed and performed precedent to such merger. If the commissioner shall disapprove the proceedings he shall mark the certified copies of the meetings in his office disapproved and notify the associations to that effect.

Certificate of approval by Commissioner.

To be recorded in office of C. S. C.

Fees.

Effect of merger agreement.

Disapproval by Commissioner.

5. Upon the merger of any association, as above provided, into another:

Results of merger.

a. Its corporate existence shall be merged into that of the receiving association; and all and singular its rights, powers, privileges and franchises, and all of its property, including all right, title, interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of any conceivable value or benefit then existing belonging or pertaining to it, or which would inure to it under an unmerged existence, shall immediately by Act of law and without any conveyance or transfer, and without any further act or deed, be vested in and become the property of such receiving association which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held or enjoyed by the association or associations so merged; and such receiving association shall absorb fully and completely the association or associations so merged;

Corporate existence merged.

Rights, powers, properties, etc., to be vested in receiving association.

Associations absorbed by receiving association.

b. Its rights, liabilities, obligations and relations to any person shall remain unchanged, and the association into which it has been merged shall, by the merger, succeed to all the relations, obligations and liabilities, as though it had itself assumed or incurred the same, and no obligation or liability of a member in an association a party to the merger shall be affected by the merger, but the obligations and liabilities

Rights, liabilities and obligations of association unchanged.

Merged association to succeed to all relations, obligations, etc.

shall continue as they existed before the merger, unless otherwise provided in the merger agreement;

Prosecution of actions pending against association a party to merger.

c. A pending action or other judicial proceeding to which any association that shall be so merged is a party, shall not be deemed to have abated or to have discontinued by reason of the merger, but may be prosecuted to final judgment, order or decree in the same manner as if the merger had not been made; or the receiving association may be substituted as a party to such action or proceeding, and any judgment, order or decree may be rendered for or against it that might have been rendered for or against such other association if the merger had not occurred.

Substitution of receiving association as party to such action.

Sec. 2, Ch. 77, Public Laws, 1925, amended.

SEC. 2. Section two of Chapter seventy-seven of the Public Laws of one thousand nine hundred and twenty-five is hereby amended by striking out the words "and Building and Loan" in lines three and four of said section.

Conflicting laws repealed.

SEC. 3. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 569

## CHAPTER 451

### AN ACT TO MAKE STOCK LAWS AND LAWS CONCERNING DEPREDATIONS OF DOMESTIC FOWLS APPLICABLE TO NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Nash County made "stock law territory."

SECTION 1. Nash County is hereby declared to be "stock law territory" and, as such, is hereby further declared to be subject to all of the provisions of Sections one thousand eight hundred and forty-nine through one thousand eight hundred and sixty-three of Volume I of the Consolidated Statutes and Section one thousand eight hundred and sixty-four of Volume III of the Consolidated Statutes.

Nash County made subject to provisions of C. S. 1849 through C. S. 1863, and C. S. 1864, vol. 3.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 575

## CHAPTER 452

## AN ACT TO AUTHORIZE THE STATE HIGHWAY AND PUBLIC WORKS COMMISSION TO FURNISH PRISON LABOR FOR FARM WORK IN CERTAIN EMERGENCIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Highway and Public Works Commission be and it is hereby authorized, subject to the conditions hereinafter contained, to furnish prison labor to assist farmers in the production and harvesting of food and feed crops.

State Highway and Public Works Commission authorized to furnish prison labor to farmers for certain purposes.

SEC. 2. That whenever the Governor shall find and declare that there exists an extraordinary emergency in any particular section due to the lack of available labor in the work of producing and harvesting food and feed crops, and the Chairman of the State Highway and Public Works Commission shall find that it is possible to release certain prisoners from highway work without serious prejudice to the maintenance of the public roads, the commission may make such prisoners available for assistance to farmers in such production and harvesting work.

When Governor declares extraordinary emergency.

SEC. 3. That before any prisoners are furnished for such farm work, the county farm agent in said county shall ascertain and determine that such work is needed upon the particular farm and shall negotiate with the designated representative of the Prison Department of the State Highway and Public Works Commission as to the number of prisoners that may be available for such work, and shall act as an intermediary between the owner of the farm and such designated representative of the Prison Department of the Commission as to the number of prisoners to be employed, the estimated time for which they are to be employed, and the place and character of their work. No prisoners shall be assigned to work on any farm until the owner thereof has deposited with the county farm agent a sum of money sufficient to cover the estimated cost of such work; and when the work is completed, the county farm agent shall remit to the State Highway and Public Works Commission pay for such work upon the basis agreed upon.

When prisoners can be released from highway work without serious prejudice to public roads.

Work must be needed on the particular farm.

County agent to act as intermediary.

Owner must deposit estimated cost of work.

County agent to remit to Commission.

SEC. 4. That before any work is done under the provisions of this Act, the State Highway and Public Works Commission shall establish a price for such prison labor, which price shall be sufficient to include the custodial care of such prisoners, including pay for guards and foremen, transportation, and other expenses incident to the said work.

Commission to establish price for such labor.

SEC. 5. That notwithstanding any agreement made for the furnishing of prison labor under the terms of this Act, if there shall arise any emergency in the highway work which renders it impracticable to furnish such prison labor without serious prejudice to the maintenance of public roads, then and in that

Authority of commission to suspend farm work and recall prisoners to highway work.

event the commission shall have a right to suspend such farm work and recall the prisoners to highway work.

Prisoners doing farm work to remain under control of, and be cared for by, Prison Department.

SEC. 6. That any prisoners furnished for farm work under the provisions of this Act shall at all times be under the control of the duly appointed agents of the Prison Department of the State Highway and Public Works Commission and shall be fed and otherwise cared for by the said Prison Department to the same extent as if they were engaged in highway work.

Act in force during present war and six months thereafter.

SEC. 7. That this Act shall be in force and effect during the present war and for six months thereafter, and no longer.

SEC. 8. This Act shall be in force from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 576

## CHAPTER 453

### AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO REMIT A CERTAIN PART OF THE FRANCHISE TAXES OF THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Report of special Committee of General Assembly that certain franchise taxes on Atlantic & N. C. Railroad Co. were excessive.

SECTION 1. The special committee appointed by the General Assembly having found and reported that the franchise taxes assessed against the Atlantic and North Carolina Railroad Company, a railroad company of which the State owns approximately seventy-two per cent (72%) of the outstanding stock, for the years one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight was assessed upon excessive valuations of the properties of said railroad, and said committee having recommended that said taxes should be reduced to a sum which would be based upon the valuation for the year one thousand nine hundred and thirty-nine for franchise tax purposes of the said railroad properties, and that all penalties and interest should be remitted for said years on account of said franchise taxes, the Commissioner of Revenue is hereby authorized and empowered to take the necessary action with respect to said franchise taxes recommended by the said committee.

Committee recommended reduction.

Commissioner of Revenue authorized to follow committee's recommendation.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 593

## CHAPTER 454

## AN ACT TO PROVIDE FOR THE COMPENSATION OF THE CLERK OF THE RECORDER'S COURT OF HAMLET DISTRICT, RICHMOND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the Recorder's Court of Hamlet District, Richmond County, shall be paid the sum of six hundred dollars (\$600.00) per annum, payable monthly out of the general funds of the county, for his services as clerk.

Compensation of clerk of Recorder's Court of Hamlet District, Richmond County.

SEC. 2. That the compensation provided for in this Act shall be in addition to any other compensation to which the clerk may be entitled by virtue of any other office which he may hold in connection with the Recorder's Court of Hamlet District, Richmond County.

Compensation herein in addition to certain other compensation.

SEC. 3. That this Act shall not be construed to change the right or title to any office.

Title to office not changed by this Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be retroactive to the first day of December, one thousand nine hundred and forty-two.

Effective date.

Ratified this the 4th day of March, 1943.

H. B. 594

## CHAPTER 455

## AN ACT TO FIX THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, effective as of January first, one thousand nine hundred and forty-three, the salary of the Assistant Clerk of the Superior Court of Haywood County be, and it is hereby, fixed at the sum of one hundred dollars (\$100.00) per month. Said salary shall be paid by Haywood County from the general fund of said county.

Salary of Assistant C. S. C. of Haywood County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect as of January first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 4th day of March, 1943.

H. B. 599

## CHAPTER 456

## AN ACT TO FIX CERTAIN FEES OF THE REGISTER OF DEEDS OF SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Register of Deeds of Swain County as clerk to Board of County Commissioners.

SECTION 1. The Register of Deeds of Swain County shall receive as his compensation for acting as clerk to the Board of County Commissioners of Swain County a sum to be fixed by said board not in excess of fifty dollars (\$50.00) per month.

Fees of Register of Deeds.

SEC. 2. The Register of Deeds of Swain County shall receive as his fee for registering any deed, deed of trust, or other writing authorized to be registered by him, except statutory form chattel mortgages, one dollar and twenty-five one hundredths (\$.125) where the deed, deed of trust, or other writing, except statutory form chattel mortgages, contains not more than three hundred words, and for every additional one hundred words he shall be allowed an additional fifteen cents (15¢).

Fees of Register of Deeds.

SEC. 3. The Register of Deeds of Swain County shall receive as his fee for registering a chattel mortgage, statutory form, the sum of twenty cents (20¢). The remainder of the fees and compensation of the Register of Deeds of Swain County shall be as provided in Section three thousand nine hundred and six of the Consolidated Statutes of one thousand nine hundred and nineteen.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 601

## CHAPTER 457

AN ACT TO AMEND CHAPTER THIRTY-SEVEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, ENTITLED 'AN ACT TO INCORPORATE THE CITY OF GREENSBORO, TO DEFINE ITS CORPORATE LIMITS, AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE PRESENT CHARTER OF THE CITY OF GREENSBORO EXCEPT AS PROVIDED HEREIN; TO PROVIDE FOR THE CONTROL AND SUPPORT OF THE PRESENT GREENSBORO SCHOOL DISTRICT, AND FOR OTHER PURPOSES' AS AMENDED.

*The General Assembly of North Carolina do enact:*

Chapter IV, Ch. 37, Private Laws, 1923, rewritten.

SECTION 1. That Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, be and the same is

hereby amended as follows: Chapter IV, of Chapter thirty-seven, Private Laws, one thousand nine hundred and twenty-three, the same being Sections thirty-three and thirty-four of the Charter of the City of Greensboro, is hereby repealed and a new Chapter IV is substituted in lieu thereof as follows:

“Chapter IV—NOMINATION OF CANDIDATES

Nomination of candidates.

“SECTION 33. All candidates to be voted for at all general municipal elections, at which time councilmen and any other elective officers are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot for the city or any district except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations, and subject to the same conditions, and the polls to be opened and closed at the same hours as are required for said general election. Candidates for councilmen shall be voted on only in their respective districts. Any person desiring to become a candidate for nomination by the primary for the office of councilman or any other elective office shall, at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

Nominated by primary election.

Time of primary election.

Judges.

Conduct of election.

Candidate to file statement of candidacy.

“STATE OF NORTH CAROLINA

“COUNTY OF GUILFORD.

“I, \_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_ Street, City of Greensboro, County of Guilford, State of North Carolina; that I am a candidate for nomination to the office of councilman in District No. \_\_\_\_\_ (or other office), to be voted upon at the primary election to be held on the \_\_\_\_\_ Monday of \_\_\_\_\_, 19\_\_\_\_ and I hereby request that my name be printed upon the official ballot for nomination by such primary election to such office.

Form.

Signed \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

Signed \_\_\_\_\_

“And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars (\$5.00).

Filing fee.

“Immediately upon the expiration of the time for filing the petitions of candidates, the said city clerk shall cause to be

Names of candidates to be published.



clerk shall be publicly made. The two candidates receiving the highest number of votes for councilmen from District Number One, and the twelve candidates receiving the highest number of votes for councilmen from District Number Two, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates whose names shall be placed upon the respective ballots in each district at the next succeeding general municipal election.

“SEC. 34. If there be not more than two candidates for councilman from District Number One, or not more than twelve candidates for councilman from District Number Two, then it shall not be necessary to hold a primary in such district, but all candidates for councilmen in said district shall be declared nominated, and the clerk shall place their names upon the election ballot for said district, or if there be no more than two candidates for any other elective office, no primary need be held on said office.”

Primaries unnecessary in certain instances.

SEC. 2. That Chapter V of Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, the same being Sections thirty-five through forty-six, inclusive, of the Charter of the City of Greensboro be and the same is hereby repealed and a new Chapter V is substituted in lieu thereof as follows:

Chapter V, Ch. 37, Private Laws, 1923, rewritten.

“CHAPTER V—ELECTIONS

Elections.

“SEC. 35. There shall on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and every two years thereafter, be elected seven councilmen, who together shall constitute the city council, and there shall also, at the same time, be elected such other elective officers as may be provided by law. For election purposes the said city shall be divided into two districts, to be known and designated as ‘District Number One’ and ‘District Number Two.’

Time of election.

City council.

Other elective officers.

City divided into 2 districts.

“District Number One shall embrace the following territory, to-wit: Beginning at a point in the center of the Proximity Cemetery Road, where the said road is intersected by the new eastern boundary of the city; thence along new city boundary line to stone near their reservoir in Revolution line North of Carolina Avenue; thence South fifty-three degrees fifty-eight minutes East six hundred and ninety-three feet to a stone; thence South eighty-eight degrees seventeen minutes East four hundred and nine and six tenths feet to a point; thence South one degree fifty-three minutes West one hundred and ninety-three and four tenths feet to a point; thence North eighty-nine degrees ten minutes West one hundred and fifty-five and ninety-five one hundredths feet to a stake; thence South twenty-six degrees thirty-two minutes East one hundred and ninety-two

Limits of District Number One.

and seven tenths feet to a stone; thence South six degrees twenty-two minutes East four hundred and thirty-two feet to a stone; thence South twenty-three degrees five minutes West one hundred and thirty-four and fifty-eight one hundredths feet to a stone; thence South sixty-two degrees forty-two minutes West three hundred and fourteen and eight tenths feet to a stone; thence South twenty-three degrees four minutes East four hundred and eighty-one and nine tenths feet to a stone; thence South seventy-seven degrees twenty-one minutes East one hundred and ninety-three and seven-tenths feet to a point; thence North thirty-seven degrees forty-five minutes East one hundred and sixty-five and three tenths feet to the center of bridge over North Buffalo Creek and center line of Church Street Road; thence in a general southerly direction to center line of Second Street in Proximity; thence easterly along center line of Second Street to center line of Southern Railroad; thence in a southerly direction to present North boundary line; thence along present North boundary line and present North boundary line projected five thousand four hundred and sixty-five feet more or less to a point in field North of Bessemer Avenue and West of Muddy Branch Creek; thence in a northerly direction to a stone monument in Summit Avenue Building Company's corner, thence along their line in a northerly direction to the intersection of the present Summit Avenue and the Proximity Cemetery Road; thence in an easterly direction along the center line of the Proximity Cemetery Road to point of beginning.

District Number Two.

"District Number Two shall embrace all the city except that portion embraced in District Number One.

Division of districts into precincts.

"The council shall divide each district into as many precincts as it shall deem necessary for the convenience of the voters.

One member of city council from District Number One.

"SEC. 36. One member of said city council shall be nominated and elected from and by the voters of District Number One; and six members of said council shall be nominated and elected from and by the voters of District Number Two. For the purpose of electing members of the council, voters in said districts shall vote separately, and voters in neither district shall vote for candidates for councilmen from the other district. For both primaries and elections, separate tickets shall be prepared for each district, which tickets shall contain only the names of candidates to be voted on in the respective districts or the city at large. Members of the council must be residents of the respective districts from which they are elected, and if after election any councilman shall remove from his district his place on the council shall immediately become vacant.

Six members from District Number Two.

Separate tickets for each district.

Residence of members of council.

Preparation of ballots.

"SEC. 37. The city clerk shall cause ballots to be printed for each precinct as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of



- Canvassing board. "SEC. 39. On the day following the day of election all of the registrars of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and the six candidates in District Number Two, and the one candidate in District Number One, receiving the highest number of votes for each of the positions of councilmen shall be declared elected councilman of their respective districts, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the report shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed with the city clerk, who, the same day, shall publish the result of the election at the door of the city hall.
- To tabulate votes.
- Results to be certified.
- Additional election in event of tie vote. "SEC. 40. If, of the persons voted for as councilmen or any other elective office, there shall be an equal number of votes between any two candidates for like office (and only one can by law be elected) in such case there shall be held on the following Tuesday an election, in accordance with the provisions herein for holding a municipal election for the City of Greensboro. If, of the persons voted for as councilmen or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates in accordance with the provisions for holding primaries for the nomination of candidates in the City of Greensboro, to break the tie.
- Penalty for failure to give notice of election, hold election, etc. "SEC. 41. If the council shall fail to give notice of election, to hold or declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.
- Vacancies. "SEC. 42. If any person elected councilman or any other elective officer, shall refuse to be qualified, or if there is a vacancy in any office after election and qualification, or if any councilman or any other elective officer be unable to discharge the duties of his office, the council shall choose some person for the unexpired term, or during his disability, as the case may be, to act as councilman or other elective officer, and he shall be clothed with all authority and powers given under this charter to such regular officer, but such officer or officers so elected shall be subject to recall as other officers.

"SEC. 43. The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purposes, as herein provided, or for any other purpose provided for in this Act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city unless expressly provided to the contrary; that all special elections shall be held under the same rules and conditions as are herein provided in this Act for general elections; provided, however, that all registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted and canvassed as provided by said Act.

Special elections.

Notice required.

Rules for holding special elections.

"SEC. 44. The councilmen and all other elective officers shall hold their respective offices respectively until the next ensuing election and until their respective successors shall be elected and qualified.

Term of office of councilmen and others.

"SEC. 45. Any person giving or receiving, or any person promising to give or receive any money, property or thing of value, to secure the vote or influence any person in any primary or general election; and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government, in consideration of any influence or effort to vote on behalf of any candidate or candidates for office under the city government of Greensboro shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above described shall, upon conviction, be ineligible to hold any office under the government of the City of Greensboro.

Certain acts in connection with said primaries and elections made misdemeanor.

Penalty for commission of such offenses by candidates for office.

"SEC. 46. Every candidate in the city election, a city primary or both, shall within ten days from the election, file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by anyone for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Statement of expenditure by candidates.

Failure to comply with this section made misdemeanor.

"SEC. 47. All laws and clauses of laws in conflict with the provisions of this Act, to the extent of such conflict, are hereby repealed.

Conflicting laws repealed.

"SEC. 48. This Act shall become effective upon its ratification."

Ratified this the 4th day of March, 1943.

## H. B. 626

## CHAPTER 458

## AN ACT RELATING TO OFFICERS' FEES IN CONNECTION WITH THE STATE LIQUOR LAWS IN MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Certain officers of Montgomery County to receive \$25.00 for capture of vehicle used in unlawful transportation of liquor.

Fee taxed as part of cost.

Lien on vehicle.

Fee paid from sale of vehicle.

Such officers also to receive percentage from sale of intoxicating liquors, etc., so captured.

Proration of fees.

Partial invalidity section.

Conflicting laws repealed.

SECTION 1. That in addition to all fees now allowed by law, the sheriff, all deputy sheriffs, constables, and other law enforcement officers in Montgomery County, shall be entitled to and shall receive the sum of twenty-five dollars (\$25.00) for the capture of any vehicle being used in the unlawful transportation of liquor or other intoxicant, which said fee shall be taxed by the clerk as part of the cost against the person or persons charged with such violation when they are apprehended and convicted, and which fee shall be first lien upon any such vehicle so captured to the extent of the value thereof, and which shall be collectible as in the case of storage charges against any such vehicle, and which lien shall be superior to any existing lien thereon. Said fee shall cover and be paid as the cost of capture and removal, provided that said fee shall be paid only out of the proceeds derived from the sale of said captured vehicle.

SEC. 2. That in addition to the fees allowed in Section one above, the sheriff, deputy sheriffs, constables, and other law enforcement officers of Montgomery County shall be entitled to receive and shall receive, five per cent of the net proceeds derived from the sale of any intoxicating liquor, wine or other beverage captured by said officer or officers and sold under the provisions of law, which said amount shall be paid by the county commissioners out of the proceeds of such sale or sales.

SEC. 3. In the event one or more officers shall participate in such seizure, the amount or amounts provided for herein, shall be paid over to the sheriff and prorated by him to the officers entitled thereto.

SEC. 4. If any portion, clause or section of this Act shall be declared invalid or unconstitutional, the remaining provisions of the same shall remain in full force and effect.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 628

## CHAPTER 459

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND SIXTY-SIX OF THE CONSOLIDATED STATUTES, AS AMENDED, RELATIVE TO THE FORFEITURE OF RIGHT OF POSSESSION OF LAND BY TENANT OR CROPPER, BY MAKING SAME APPLICABLE TO DAVIDSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two thousand three hundred and sixty-six of the Consolidated Statutes, as amended, relative to the forfeiture of right of possession of land by a tenant or cropper due to willful neglect or refusal to carry out his contract, be, and the same is hereby amended by inserting the word "Davidson" between the word "Currituck" and the word "Duplin" appearing in said section.

C. S. 2366, relative to forfeiture of right of possession of land by tenant or cropper, amended to apply to Davidson County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 629

## CHAPTER 460

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF POLK COUNTY TO TURN INTO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND ALL PRIOR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Polk County be and the same are hereby authorized and empowered, in their discretion, to turn into the general fund the proceeds of all taxes collected for the year one thousand nine hundred and thirty-seven, and all prior years.

Taxes for certain years authorized to be turned into general fund of Polk County.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 636

## CHAPTER 461

AN ACT TO PLACE AN ADDITIONAL PENALTY UPON DELINQUENT PERSONAL PROPERTY TAXES IN JOHNSTON COUNTY TO DEFRAY EXPENSE OF COLLECTION OF SAID TAXES AND TO PAY FOR PUBLISHING LIST IN NEWSPAPER.

*The General Assembly of North Carolina do enact:*

Additional penalty for nonpayment of personal property taxes in Johnston County.

SECTION 1. That the Board of Commissioners for the County of Johnston is hereby authorized and empowered, in its discretion, to place an additional penalty of not more than the amount charged for advertising and selling real estate for nonpayment of taxes upon all unpaid personal property taxes, this penalty to be assessed at the time that advertising and selling costs are assessed against real estate. The above penalty is to be in addition to all other lawful penalties, and is to be used by the board of commissioners to defray the cost of collection of said personal property taxes and to pay newspapers for publishing said list of delinquent personal property taxes.

Use of penalty.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 685

## CHAPTER 462

AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF ROCKWELL, FIXING DATES FOR PRIMARY ELECTION, TIME AND PROCEDURE FOR FILING NOTICE OF INTENTION OF BECOMING A CANDIDATE AND TIME OF REGISTRATION PERIOD.

*The General Assembly of North Carolina do enact:*

Election of Mayor of Town of Rockwell.

SECTION 1. That at the general municipal election held in the Town of Rockwell in the year one thousand nine hundred and forty-three and every two years thereafter there shall be elected in the Town of Rockwell by the qualified voters thereof a mayor who shall serve for a term of two years, beginning on July first after his election and until his successor is elected and qualified. Also at the general municipal election held in the Town of Rockwell in the year one thousand nine hundred and forty-three and every two years thereafter there shall be elected in the Town of Rockwell by the qualified voters thereof five aldermen who shall serve for a term of two years,

Term of office.

Election of Aldermen.

beginning on July first after their election and until their successors are elected and qualified. The mayor and members of the board of aldermen shall be sworn into office at the meeting on the day that their terms begin.

Term of office.

SEC. 2. The term of office of the Mayor and five members of the Board of Aldermen of the Town of Rockwell who were elected in the general municipal election, held in the year one thousand nine hundred and forty-one, shall be extended until July first, one thousand nine hundred and forty-three, or until their successors are elected and are qualified.

Term of Mayor and Aldermen elected in 1941 extended.

SEC. 3. The primary election for nomination of Mayor and members of the Board of Aldermen in the Town of Rockwell shall be held in said Town of Rockwell on the second Saturday preceding all general municipal elections. The judges and other officers of the general municipal election, appointed by the mayor and board of aldermen shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened, and closed at the same hours as are required for the general election.

Date for primary elections.

Judges of primary election.

Method of conducting primaries.

SEC. 4. Any person desiring to become a candidate for nomination by the primary for the office of mayor or member of the board of aldermen, shall file not later than five o'clock p. m., on Tuesday before the day of primary, filing with the town clerk, a statement of such candidacy in substantially the following form:

Time of filing statement of candidacy.

STATE OF NORTH CAROLINA,  
COUNTY OF ROWAN,

I, \_\_\_\_\_, hereby give notice that I reside in the Town of Rockwell, State of North Carolina; that I am a candidate for nomination to the office of \_\_\_\_\_, to be voted upon at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

Form of statement.

Signed:\_\_\_\_\_

Witness:

\_\_\_\_\_ and he shall at the same time pay to the clerk to be turned over to the town treasurer the sum of three dollars if he is a candidate for mayor, or two dollars if he is a candidate for the board of aldermen. By noon of the following day after the time of the expiration for filing the petition of candidates, the town clerk shall cause to be posted in three public places in the Town of Rockwell the names of the persons filing and the offices they have filed for.

Fees required.

Names of candidates to be posted.

Nominees to be voted on in general election.

SEC. 5. The two candidates receiving the highest number of votes for mayor and the ten candidates receiving the highest number of votes for members of the board of aldermen shall be the nominees and the only candidates whose names shall be placed upon the ballot for mayor and members of the board of aldermen at the next succeeding general municipal election: Provided, however, that if there is only one candidate for mayor then said candidate is nominated for mayor and his name will appear on the general municipal election ballot: Provided, however, that if there are only ten candidates or less for the members of the board of aldermen who have filed their notice of candidacy in the primary, then said candidates are nominated for members of board of aldermen and their names will appear on the general primary ballot and they are so nominated without the necessity of a primary.

Where only one candidate for Mayor.

Where less than 10 candidates for aldermen.

Registration books.

SEC. 6. The registration books for the primary to be held on the second Saturday preceding the general municipal election shall be opened on the fourth Saturday preceding the primary, and shall be closed at the end of the time for registration on the second Saturday before the primary. The Saturday before the primary shall be challenge day for the primary.

Challenge day.

SEC. 7. During the period the registration book is open for the primary election all qualified voters whose names are not already on the registration books may apply to the registrar for registration between the hours of nine o'clock a. m. and five o'clock p. m., and on each Saturday during the period the registration book is open the registrar shall attend the polling places with the registration book between the hours of nine o'clock a. m. and nine o'clock p. m.

Hours registration books open.

Time for hearing challenges.

On challenge days the election officials will meet at the polling places and hear all challenges, if any, between the hours of nine o'clock a. m. and three o'clock p. m.

Registration books now used considered books for all municipal elections.

SEC. 8. The old registration books that are now being used shall be considered the registration books for all municipal elections.

Conduct of elections.

SEC. 9. All primary municipal elections and general municipal elections shall be conducted, as far as practicable in all things and in all details, in accordance with the general laws of this State governing State and county primary elections, except where the provisions of same are inconsistent with this Act.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 691

## CHAPTER 463

AN ACT VALIDATING ALL ACTS OF THE GOVERNING BODY OF THE CITY OF CHARLOTTE AND THE HOSPITAL BOARD OF THE "CHARLOTTE MEMORIAL HOSPITAL" CONSISTING OF NINETEEN MEMBERS UNDER AN ORDINANCE ADOPTED BY THE GOVERNING BODY OF THE CITY OF CHARLOTTE ON THE SEVENTEENTH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND FORTY, AND UNDER THE AMENDMENTS THERETO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of the Acts of the governing body of the City of Charlotte and of the "Charlotte Memorial Hospital Board" in connection with the maintenance, repairs, supervision and operation of the "Charlotte Memorial Hospital" under and pursuant to an ordinance adopted on April seventeen, one thousand nine hundred and forty, entitled "An ordinance providing for the creation of a hospital board consisting of nineteen members, prescribing the powers, duties and functions of such board and repealing all ordinances and parts of ordinances in conflict herewith," and all amendments thereto, together with all proceedings, Acts and things heretofore undertaken, performed or done with reference thereto by said governing body and by the said "Charlotte Memorial Hospital Board," be and the same are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity therein.

Certain acts of governing body of City of Charlotte and "Charlotte Memorial Hospital Board" in connection with Charlotte Memorial Hospital validated.

SEC. 2. This Act shall apply only to the City of Charlotte, North Carolina.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

H. B. 706

## CHAPTER 464

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DURHAM COUNTY TO APPOINT AN ASSISTANT TREASURER AND EMPLOY A CLERK OR STENOGRAPHER, AND ASSIGN THE SAME TO THE OFFICE OF THE TREASURER.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Durham County is hereby authorized and empowered, in its discretion,

Assistant Treasurer for Durham County authorized.

Other assistants for Treasurer authorized.

to name an assistant treasurer of said county and to employ a clerk or stenographer or such other assistants as it may deem necessary, and assign the same to the office of the Treasurer of Durham County.

Salaries of Assistant Treasurer and assistants.

SEC. 2. The Board of County Commissioners of Durham County is authorized and empowered to fix the salary of such assistant treasurer and clerk or stenographer or other assistants as may be assigned to the office of the Treasurer of Durham County.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, 1943.

## H. B. 721

## CHAPTER 465

AN ACT TO PERMIT CATAWBA COUNTY AND ANY MUNICIPALITY LOCATED THEREIN TO ACCEPT DEEDS FOR REAL PROPERTY IN PAYMENT OF TAXES OR SPECIAL ASSESSMENTS DUE THEREON IN LIEU OF FORECLOSURE OF THE TAX OR ASSESSMENT LIEN AND TO SELL SUCH PROPERTY.

*The General Assembly of North Carolina do enact:*

Governing body of Catawba County or municipality therein authorized to accept deed for real estate in payment of taxes or assessments thereon.

SECTION 1. When the taxes or special assessments upon any real property in Catawba County or any municipality located therein are past due and unpaid, and the owner or owners thereof agree to convey such real property to such county or to any municipality therein, the governing body of Catawba County or of any municipality therein is authorized to accept the deed for such real property in payment of the taxes or special assessments thereon due such taxing unit, and to pay the necessary expense of procuring and recording such deed; provided, further, the County of Catawba and the municipalities located therein may accept a deed for a portion of the taxpayers' real estate in full payment of all taxes due and payable by such taxpayer, and may release all or part of the liens for taxes on other properties owned by the taxpayer, provided, however, that the total amount of credit allowed such taxpayer in release of tax liens shall not in any instance exceed the total assessed taxable value of such property accepted by the taxing unit in settlement of said tax liens. The acceptance of such deed by Catawba County, or by any municipality located therein, shall not interfere with the lien for taxes or special assessments due any taxing unit, other than the one accepting the deed. Any real property so conveyed to Catawba County or to any

Acceptance of deed for portion of taxpayer's lands in payment of all taxes due by taxpayer.

Release of liens on other lands.

Limitation.

Acceptance of deed by one governing unit not to interfere with lien of other tax units.

Sale of said property.

municipality therein may be sold as now or hereafter provided by law.

SEC. 2. All conveyances of real property heretofore made by property owners to Catawba County, or to any municipality situated therein, in settlement of taxes or assessments, and all conveyances of such real estate heretofore made by such county or municipalities therein are hereby validated.

Conveyances heretofore made to County or municipality in settlement of taxes or assessments validated.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be effective upon its ratification.

Ratified this the 4th day of March, 1943.

S. B. 15                      CHAPTER 466

AN ACT TO ESTABLISH PROCEDURE FOR ISSUANCE OF A CERTIFICATE OF TITLE TO THE HEIRS OR DEVISEES OF LAND REGISTERED UNDER CHAPTER FORTY-SEVEN OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, UPON THE DEATH OF THE REGISTERED OWNER OF SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter forty-seven of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, entitled "Land Registration," be, and the same hereby is, amended by addition of the following sections, to-wit:

Ch. 47, C. S. of 1919, entitled "Land Registration," amended.

"SECTION 2392(a). Upon the death of any person who is the registered owner of any estate or interest in land which has been brought under this chapter, a petition may be filed with the clerk of the Superior Court of the county in which the title to such land is registered by anyone having any estate or interest in the land, or any part thereof, the title to which has been registered under the terms of this chapter, attaching thereto the registered certificate of title issued to the deceased holder and setting forth the nature and character of the interest or estate of such petitioner in said land, the manner in which such interest or estate was acquired by the petitioner from the deceased person—whether by descent, by will, or otherwise, and setting forth the names and addresses of any and all other persons, firms or corporations which may have any interest or estate therein, or any part thereof, and the names and addresses of all persons known to have any claims or liens against the said land; and setting forth the changes which are necessary to be made in the registered certificate of title to land in order to show the true owner or owners thereof occasioned by the death of the registered owner of said certifi-

Upon death of registered land owner, any person having interest in land may file petition with C. S. C. of County where land located.

Registered certificate of title to be attached to petition.

Contents of petition.

Relief sought.	cate. Such petition shall contain all such other information as is necessary to fully inform the court as to the status of the title and the condition as to all liens and encumbrances against said land existing at the time the petition is filed, and shall contain a prayer for such relief as the petitioner may be entitled to under the provisions hereof. Such petition shall be duly verified.
Verification.	
Publication of notice of petition.	“SECTION 2392(b). Upon the filing of such duly verified petition, the petitioner shall cause to be published once a week for four weeks, in some newspaper having a general circulation in the county in which the land is situated, a notice signed by the clerk of the Superior Court, setting forth in substance the nature of the petition, a description of the land affected thereby, and the relief therein prayed for, and notifying all persons having or claiming any interest or estate in the land to appear at a time therein specified, which shall be at least thirty days after the first publication of said notice, to show cause, if any exists, why the relief prayed for in the petition should not be granted. An affidavit shall be filed by the publisher with the clerk of the court, showing a full compliance of this requirement. Upon a filing of said petition, the petitioner shall cause the summons, with a copy of the petition, to be served upon all persons, firms or corporations known to have any interest or estate in the lands referred to in the petition, and the personal representative, the devisees, if any, and all heirs at law of the deceased registered owner of said land. In the event any of the persons upon whom service of summons is to be made are nonresidents of the State of North Carolina, service may be made by publication in the manner prescribed by law for the service of summons in special proceedings.
Persons claiming interest to appear.	
Affidavit of publication.	
Personal service on persons having interest in said lands of deceased.	
Personal representative, heirs and devisees to be served.	
Service by publication for non-residents.	
Answer by person claiming interest.	“SECTION 2392(c). Any person asserting a claim or any interest in such registered land may, at any time prior to the hearing provided for in the next section, file such answer or other pleadings as may be proper, asserting his rights or claims to the property referred to in the petition.
Hearing by C. S. C.	“SECTION 2392(d). The clerk of the Superior Court shall hear and determine all matters presented upon the petition and such pleadings as may be filed in this proceeding, and shall make such orders and decrees therein as may be found to be proper from the facts as ascertained and determined by the court. The court is authorized and empowered to order and direct that the outstanding registered certificate of title to the land shall be surrendered and cancelled in the office of the register of deeds, and that a new certificate of title shall be issued, showing therein the owner or owners of the land described in the original certificate and the nature and character of such ownership: Provided, the clerk of the Superior Court shall not authorize the issuance of the new certificate of title until the
Orders and decrees.	
Authority to direct cancellation of old certificate and issuance of new certificate.	
Contents of new certificate.	
Fees to be paid.	

fees provided in Section two thousand four hundred and twenty-two of the Consolidated Statutes of North Carolina have been paid. Upon the surrender and cancellation by the register of deeds of the outstanding certificate of title, the new certificate of title shall be registered and cross indexed in the same manner provided for the registration of the original certificate, and the register of deeds shall issue a new certificate of title in the same manner and form as provided for the original certificate. The said new certificate shall have the same force and effect as the original certificate of title and shall be subject to the same provisions of law with reference thereto.

Register of Deeds to issue new certificate.

Cross indexed.

Effect of new certificate.

"SECTION 2392(e). Whenever heretofore any registered certificate of title has been surrendered by the heirs or devisees of any deceased registered owner of any registered title and the registered certificate of title of such deceased owner has been surrendered and cancelled and a new certificate of title issued to a purchaser or to such heirs or devisees, the same is hereby validated and confirmed and made effectual to the same extent as though such new certificate has been issued in compliance with the provisions of this Act."

Surrender heretofore of registered certificates and issuance of new certificate to heirs, devisees, etc., validated.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 26

## CHAPTER 467

### AN ACT AUTHORIZING CITIES AND TOWN TO ESTABLISH CAPITAL RESERVE FUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Short title. This law may be cited as "The Municipal Capital Reserve Act of one thousand nine hundred and forty-three."

Title.

SEC. 2. Meaning of terms. The terms "municipality," "governing body," "clerk," "financial officer," "publication," "special assessments" and "necessary expenses" as used in this Act shall have the same meaning as expressed in Section two thousand nine hundred and nineteen of the Consolidated Statutes, the same being a part of the Municipal Finance Act, one thousand nine hundred and twenty-one. The terms "debt service," "fiscal year," "surplus revenues," "unencumbered balance" and "fund" as used in this Act shall have the same meaning as expressed in Section two of Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven,

Definitions.

as amended, the same being a part of the County Fiscal Control Act.

Municipality authorized to maintain capital reserve fund.

SEC. 3. Powers conferred. In addition to all other funds now authorized by law a municipality is hereby authorized and empowered to establish and maintain a capital reserve fund in the manner hereinafter provided.

Sources of capital reserve fund.

SEC. 4. Sources of capital reserve fund. The capital reserve fund may consist of moneys derived from any one or more of the following sources, except that no money shall be deposited in such capital reserve fund after July tenth, one thousand nine hundred and forty-five:

(1) Unappropriated surplus revenues and unencumbered balances itemized as to:

Certain collections from current ad valorem taxes.

(a) Collections of ad valorem taxes levied for the current operating expense fund of the municipality which are not pledged or otherwise applicable by law to the payment of existing debt;

Proceeds from sale of municipal property.

(b) Proceeds from the sale of municipal property;

Insurance proceeds from loss of property.

(c) Proceeds from insurance collected by reason of loss of municipal property;

Certain revenues from sources other than ad valorem taxes.

(d) Receipts from revenues derived from sources other than ad valorem taxes, including revenues derived from operation of a revenue producing enterprise owned by the municipality, which are not pledged or otherwise applicable by law to the payment of existing debt;

Collections of certain assessments.

(e) Collections of special assessments not pledged or otherwise applicable by law to the payment of existing debt;

Collections of ad valorem taxes for debt service.

(f) Collections of ad valorem taxes levied for debt service;

Certain appropriations in annual appropriation ordinance.

(2) Appropriation included in the annual appropriation ordinance of the current operating expense fund: Provided, however, the sources of revenues from which such appropriation shall be payable shall be itemized in said appropriation ordinance as to amount and class of sources stated in sub-clauses (b), (c), (d), and (e) of clause (1) of this section;

Itemization.

(3) Proceeds from the sale of municipal property not included in the estimated revenues appropriated for the current fiscal year;

Certain proceeds from sale of municipal property.

(4) Proceeds from insurance collected by reason of loss of municipal property: Provided, such proceeds are not included in the estimated revenues appropriated for the current fiscal year;

Certain insurance collections from loss of municipal property.

(5) Collections of special assessments not included in the estimated revenues appropriated for the current fiscal year

Collections from certain special assessments.

and which are not pledged or otherwise applicable by law to the payment of existing debt;

(6) Moneys accruing to the municipality from the sale of alcoholic beverages which are not included in the estimated revenues appropriated for the current fiscal year.

Certain moneys from sale of alcoholic beverages.

SEC. 5. How the capital reserve fund may be established. When a municipality elects under this Act to establish a capital reserve fund the governing body shall pass an ordinance authorizing and declaring that the same shall be established. Said ordinance shall state such itemized sources provided in Section four of this Act from which moneys are available for deposit in the capital reserve fund at the time of passage. In said ordinance the governing body shall designate some bank or trust company as depository in which moneys shall be deposited for the capital reserve fund. Said ordinance shall further contain a request to the Local Government Commission that the provisions thereof be approved by said commission. Upon passage of said ordinance the same shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy thereof to the Local Government Commission.

How fund established.

Ordinance authorizing same.

Statement of sources from which moneys available.

Depository for fund.

Request to Local Government Commission for approval.

Minutes.

Certified copy to Commission.

SEC. 6. When the capital reserve fund shall be deemed established. The capital reserve fund shall be deemed established when the ordinance passed under the provisions of Section five of this Act are approved by the Local Government Commission. After action is taken upon the provisions of said ordinance by the Local Government Commission the secretary of said commission shall notify the clerk in writing of the approval by said commission or disapproval, if the commission declines to approve the ordinance, and the reasons therefor. Upon receipt of the notice of approval the clerk shall thereupon notify the financial officer of the municipality who shall immediately deposit in the designated depository the moneys stated as available in said ordinance for the capital reserve fund and simultaneously report such deposit to the Local Government Commission.

When fund deemed established.

On approval by Commission.

Notice by Commission of approval or disapproval.

Deposit of moneys available for fund.

Report to Commission.

Upon establishment of the capital reserve fund it shall be the duty of the financial officer to promptly deposit in the designated depository for the capital reserve fund all moneys which may thereafter become available from the sources stated in the ordinance authorizing such fund, or an amendment thereto, and to simultaneously report each such deposit to the Local Government Commission stating the amounts from each such source so deposited.

Deposits of moneys thereafter available for fund.

Reports of such deposits to Commission.

SEC. 7. Amendments to ordinance authorizing the capital reserve fund. At any time or from time to time after the capital reserve fund is established, the governing body may amend the ordinance authorizing the establishment of such fund for the purpose of including additional sources provided in

Amendments to ordinance authorizing fund.

Purposes.

Request to Commission for approval.

Minutes.

Certified copy to Commission.

Amendment not effective until approved by Commission.

Security for protection of deposits.

Purposes for which fund may be used.

For certain improvements or properties.

For temporary borrowing in anticipation of collection of certain taxes.

Limitations.

Repayment of withdrawal.

For purchasing and retiring of certain bonds of municipality.

For investment in certain bonds.

Section four of this Act or for the purpose of changing the designated depository. Each such amendment shall contain a request to the Local Government Commission that the provisions thereof be approved by said commission. Each such amendment shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy thereof to the Local Government Commission. No such amendment shall be effective until the provisions thereof have been approved by said commission.

SEC. 8. Security for protection of deposits. Any bank or trust company designated as depository of the capital reserve fund shall furnish such security for deposits made in said fund as is required by law for other funds of the municipality.

SEC. 9. Purposes for which capital reserve fund may be used. The capital reserve fund may be withdrawn in whole or in part at any time, or from time to time, and applied to or expended for:

(a) Any one or more of the improvements or properties enumerated in Section two thousand nine hundred and forty-two, Subsection four, of the Consolidated Statutes, as amended, the same being a part of the Municipal Finance Act, one thousand nine hundred and twenty-one, or to supplement the proceeds from the sale of bonds or bond anticipation notes issued for any one or more of such improvements or properties, or to supplement Federal or State grants for any one or more of such improvements or properties;

(b) Temporary borrowing for meeting appropriations made for the current fiscal year in anticipation of the collection of taxes and other revenues of such current fiscal year: Provided, however, the aggregate amount of such withdrawal or withdrawals for meeting appropriations shall not at any time exceed twenty-five per centum of the total appropriations of the fiscal year in which such withdrawal or withdrawals are made and no such withdrawal or withdrawals shall be made in an ensuing fiscal year unless and until the capital reserve fund has been fully repaid for the amount or amounts so previously withdrawn: Provided, further, each such withdrawal shall be repaid not later than thirty days after the close of the fiscal year in which made;

(c) Purchasing at market prices and retiring outstanding bonds of the municipality maturing more than five years from the date of such withdrawal;

(d) Investment in bonds or notes of the United States of America, State of North Carolina, or bonds of the municipality;

(e) Payment of maturing serial bonds and interest on bonds of the municipality in accordance with a determined plan of amortization.

For payment of certain bonds of municipality.

No part of the capital reserve fund consisting of moneys derived from the collections of taxes levied for debt service may be used for any purpose other than those specified in clauses (b), (c), (d), and (e), of this section.

Limitation on use of fund.

SEC. 10. Authorization for withdrawals from the capital reserve fund. A withdrawal for any one of the purposes contained in clauses (b), (c), (d) and (e) of Section nine of this Act shall be authorized by resolution duly adopted by the governing body. Each such resolution shall specify the purpose of the withdrawal, the amount of such withdrawal, the sources of moneys in the capital reserve fund for such withdrawal and the amount to be withdrawn from each source. Each such resolution shall contain a request to the Local Government Commission for its approval of the provisions thereof, shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy of such resolution to the Local Government Commission. A resolution authorizing a withdrawal for the purpose stated in clause (b) of Section nine of this Act shall further specify the total appropriations contained in the annual appropriation ordinance of the fiscal year in which such withdrawal is authorized and shall state the total amount of such previous withdrawals made in such fiscal year and the date upon which the withdrawal shall be repayable to the capital reserve fund.

Authorization for withdrawals from fund.

Resolution of governing body.

Contents of resolution.

Request to Commission for approval.

Minutes.

Certified copy to Commission.

Additional specifications of resolution for withdrawal for certain purposes.

A withdrawal for any one of the improvements or properties contained in clause (a) of Section nine of this Act shall be authorized by ordinance duly passed by the governing body which ordinance shall state:

Contents of resolution for withdrawal for certain improvements or properties.

(a) In brief and general terms the purpose for which the withdrawal is to be made;

Purpose of withdrawal.

(b) The amount of the withdrawal;

Amount.

(c) The sources of moneys in the capital reserve fund for such withdrawal and the amount to be withdrawn from each such source;

Source of moneys to be withdrawn.

(d) One of the following provisions:

(1) If the purpose of such withdrawal is for necessary expenses and the source of the moneys available therefor is in whole or in part ad valorem taxes, or, if such withdrawal is for either necessary expenses or other than necessary expenses and the source of all the moneys available therefor is from other than ad valorem taxes, the ordinance shall take effect thirty days after its first publication (or posting) unless

Time ordinance to take effect in certain instances.

in the meantime a petition for its submission to the voters is filed under this Act, and that in such event it shall take effect when approved by the voters of the municipality at an election as provided in this Act.

Time ordinance to take effect in certain other instances.

(2) If the purpose of such withdrawal is for other than the payment of necessary expenses and the source of moneys available therefor is in whole or in part ad valorem taxes, or, if the governing body, although not required to obtain the assent of the voters to such withdrawal, deems it advisable to obtain such assent, that the ordinance shall take effect when approved by the voters of the municipality at an election as provided in this Act.

Ordinance authorizing withdrawal to be spread on minutes.  
Certified copy to Commission.

Each ordinance authorizing a withdrawal from the capital reserve fund shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy thereof to the Local Government Commission.

Approval by Commission required before ordinance for withdrawal published or submitted to voters.

SEC. 11. Approval of ordinance or resolution for withdrawal by the Local Government Commission. No ordinance passed by the governing body authorizing a withdrawal from the capital reserve fund shall be published as provided in this Act nor shall the question of approval of the provisions thereof be submitted to the voters until said provisions have first been approved by the Local Government Commission. A certified copy of such ordinance filed by the clerk with the commission shall be deemed a request to the commission for its approval of the provisions thereof. The commission shall pass upon the provisions of such ordinance in the same manner as it passes upon an application for approval of the issuance of bonds or notes under the Local Government Act, and may require such information and evidence pertaining to the necessity and expediency and the adequacy of amount of the proposed withdrawal as it deems necessary before acting upon said ordinance.

Method of Commission passing upon ordinance.

May require additional information.

No resolution for withdrawal effective until approved by Commission.

No resolution adopted by the governing body authorizing a withdrawal shall become effective until the provisions thereof have been approved by the Local Government Commission.

Publication of ordinance for withdrawal.

SEC. 12. Publication of ordinance for withdrawal. Upon approval by the Local Government Commission of an ordinance authorizing a withdrawal from the capital reserve fund, the clerk shall cause said ordinance to be published once in each of two consecutive weeks over the following appendage (the blanks being first properly filled in):

Form of appendage to be published with ordinance.

The foregoing ordinance was passed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and was first published (or posted), on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Any action or proceeding questioning the validity of said ordinance

must be commenced within thirty days after its first publication (or posting).

-----  
Clerk

SEC. 13. Limitation of action setting aside a withdrawal ordinance. Any action proceeding in any court to set aside an ordinance authorizing a withdrawal from the capital reserve fund, or to obtain any other relief upon the grounds that such ordinance is invalid, must be commenced within thirty days after the first publication made under Section twelve of this Act. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the ordinance shall be asserted, nor shall the validity of the ordinance be open to question in any court upon any grounds whatever, except in an action or proceeding commenced within such period.

Limitation of action setting aside withdrawal ordinance.

Time for commencing action.

No action thereafter.

SEC. 14. Elections on ordinance authorizing withdrawal. The provisions of Sections two thousand nine hundred and forty-seven and two thousand nine hundred and forty-eight of the Consolidated Statutes, the same being a part of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, relating to popular vote and an election on a bond ordinance shall apply to an ordinance authorizing a withdrawal from the capital reserve fund: Provided, however, the majority of the qualified voters of the municipality, as required by the Constitution of North Carolina, shall be necessary only if the purpose stated in the ordinance authorizing such withdrawal is for other than a necessary expense and the source of moneys in the capital reserve fund for such withdrawal is in whole or in part ad valorem taxes. In all other cases where the provisions of such ordinance may be required to be approved by the voters, the affirmative vote of the majority of voters voting on such ordinance shall be sufficient to make it operative and in effect: Provided, further, a notice of election required by this Act to be published shall state the amount of the proposed withdrawal and the purpose thereof, as well as the date of the election, and: Provided, further, the ballots to be furnished each qualified voter may contain the words, "For the ordinance authorizing \$..... withdrawal from the capital reserve fund of the ..... of ..... (briefly stating the purpose)" and "Against the ordinance authorizing \$..... withdrawal from the capital reserve fund of the ..... of ..... (briefly stating the purpose)."

Elections on ordinance authorizing withdrawal.

Majority of qualified voters required only in certain cases.

Majority of voters voting sufficient in other cases.

Contents of notice of election.

Contents of ballots.

SEC. 15. How a withdrawal may be made. No withdrawal from the capital reserve fund shall be made except pursuant to authority of the governing body by resolution or ordinance which has taken effect. Each withdrawal shall be for the full amount authorized, except a withdrawal for the purpose stated in clause (e) of Section nine of this Act which may be

Manner of making withdrawals.

Checks to bear certificate of secretary of Commission.

made for all or a part thereof from time to time according to the plan of amortization, and shall be by check drawn on the depository by the financial officer of the municipality and payable to said financial officer. Each such check shall bear a certificate on the face or reverse thereof signed by the Secretary of the Local Government Commission or by his duly designated assistant that the withdrawal evidenced thereby has been approved under the provisions of the Municipal Capital Reserve Act of one thousand nine hundred and forty-three, and such certificate shall be conclusive evidence that such withdrawal has been approved by the Local Government Commission: Provided, however, the State of North Carolina shall not be liable for misapplication of any moneys withdrawn from the capital reserve fund by reason of such certificate.

State not liable for misapplication.

Accounting for capital reserve fund.

SEC. 16. Accounting for the capital reserve fund. It is the intention of this Act that the deposits in and withdrawals from the capital reserve fund shall be as one account with the depository but it shall be the duty of the financial officer to maintain accounts of each source, entering the credits thereto and withdrawals therefrom, and of the purpose for which each authorized withdrawal is made.

Withdrawal used only for purpose specified.

SEC. 17. Certain deposits mandatory. Each withdrawal shall be used only for the purpose specified in the resolution or ordinance authorizing the same and shall constitute an appropriation duly made for said purpose: Provided, however, that if for any reason any part of such withdrawal is not applied to or is not necessary for such purpose, such unexpended or unused part thereof shall be promptly deposited in the capital reserve fund and credits of such deposit shall be entered to the various sources prorated on the basis upon which the withdrawal was made.

Unused part of withdrawal.

Receipts of earnings and realizations of investments.

All receipts of earnings from and realizations of investments shall be promptly deposited in the capital reserve fund and credits of such deposits shall be entered to the various sources in said fund prorated on the basis of all withdrawals made for investment.

Repayment of moneys withdrawn to meet appropriations.

Receipts for repayment of moneys withdrawn for the purpose of meeting appropriations shall be promptly deposited in the capital reserve fund and credits of such deposits shall be entered to the various sources in said fund prorated on the basis of all such withdrawals made.

Action of Commission.

SEC. 18. Action of Local Government Commission. Any action required by this Act to be taken by the Local Government Commission may be taken by the executive committee of said commission, and such action taken by said executive committee shall be subject to review by the commission in the same manner as action taken under the Local Government Act upon the issuance of bonds.

Executive committee.

SEC. 19. Provision for sinking funds. Before allocating all or any part of unappropriated surplus revenues and unencumbered balances to a capital reserve fund a municipality may make allocation thereof to a sinking fund for the retirement of term bonds, but such allocation or allocations, together with all other assets of the sinking fund, shall not exceed the amount of the term bonds outstanding and unpaid.

Sinking fund for retirement of term bonds.

Limitation of allocation.

SEC. 20. Separability of provisions. If any part of this Act shall be held unconstitutional, the parts not unconstitutional shall remain in force, and the unconstitutional part shall be regarded as excised.

Partial invalidity section.

SEC. 21. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 22. This Act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 29

CHAPTER 468

AN ACT TO AMEND THE CONSTITUTION PROVIDING FOR THE ORGANIZATION OF THE STATE BOARD OF EDUCATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. Article IX, Section eight, of the Constitution of North Carolina is hereby amended by substituting for the said section, the following:

Art. IX, Sec. 8, N. C. Constitution, amended.

“SEC. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two

Administration of free public school system by State Board of Education.

How Board constituted.

Eight educational districts for State.

One appointive member of Board from each district.

Two members at large.

Method of first appointments.

Terms of subsequent appointments.

Vacancies.

Superintendent of Public Instruction to be administrative head of system and secretary of Board.

Quorum.

Per diem and expenses of appointive members.

Amendment to be submitted at next general election.

Form of ballots.

Manner of conducting election.

If majority favor amendment, Governor to certify amendment.

Secretary of State to enroll amendment.

Conflicting laws repealed.

members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly."

SEC. 2. Section one of this Act shall be submitted at the next general election to the qualified voters in the State in the same way and manner and under the same rules and regulations governing general elections in this State.

SEC. 3. In such election the electors favoring the adoption of the amendment in Section one of this Act shall vote ballots on which shall be printed or written the words "For State Board of Education Amendment," and those opposed shall vote ballots on which shall be written or printed the words "Against State Board of Education Amendment."

SEC. 4. The election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections, and if a majority of votes cast be in favor of this amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll said amendment so certified among the permanent records of his office, and the amendment so certified shall be in force, and every part thereof, from and after the date of such certification.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 75

## CHAPTER 469

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AUTHORIZING THE COMMISSIONER OF LABOR WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET TO FIX THE SALARY OF THE CHIEF BOILER INSPECTOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter three hundred and twenty-six of the Public Laws of one thousand nine hundred and thirty-five be amended by striking out the concluding part of said section, reading as follows: "of two thousand dollars (\$2,000.00) and by substituting in lieu thereof the following: "to be fixed by the Commissioner of Labor with the approval of the Assistant Director of the Budget."

Sec. 5, Ch. 326, Public Laws, 1935, amended with respect to the salary of the chief boiler inspector.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 123

## CHAPTER 470

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO DOMESTIC RELATIONS COURTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by striking out of line two of Subsection (a) thereof, the word "juvenile," and inserting in lieu thereof, the words "minor child."

Sec. 3, Ch. 343, Public Laws, 1929, relating to the jurisdiction of Domestic Relations Court, amended.

SEC. 2. That Section four of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding a new paragraph at the end of said section to read as follows:

Sec. 4, Ch. 343, Public Laws, 1929, amended.

"Wherever a domestic relations court is established a substitute judge of said court may be appointed in the same manner as the regular judge of said court such substitute judge shall serve during the absence, illness or other temporary disability of the regular judge, and while serving shall have the same power and authority as the regular judge. Such sub-

Appointment of substitute judge for Domestic Relations Court.

Powers and duties.

Compensation.

stitute judge shall receive such compensation, on a per diem basis, as shall be determined and provided by the governing body or bodies appointing him."

Sec. 6, Ch. 343,  
Public Laws,  
1929, amended.

SEC. 3. That Section six of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding a new paragraph thereto to read as follows:

Court to have  
seal and be a  
court of record.

"Such court, when established, shall adopt an official seal, shall keep and preserve adequate dockets and other records of its proceedings, and shall be a court of record. The judge and clerk of said court shall have power to administer oaths and to issue warrants and other process in said court."

Certain powers  
of Judge and  
Clerk.

Sec. 7, Ch. 343,  
Public Laws,  
1929, relating to  
right of appeal  
from Domestic  
Relations Court  
to Superior Court,  
amended.

SEC. 4. That Section seven of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by changing the period at the end of said section to a comma and adding the following:

"and cases involving the custody of juveniles."

Conflicting laws  
repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 126

## CHAPTER 471

AN ACT TO AMEND SECTION THREE THOUSAND TWO HUNDRED AND NINETY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA FOR THE YEAR ONE THOUSAND NINE HUNDRED AND NINETEEN, SO AS TO ADD COMMISSIONERS OF OATHS TO OFFICIALS BEFORE WHOM INSTRUMENTS MAY BE PROVED OR ACKNOWLEDGED.

*The General Assembly of North Carolina do enact:*

C. S. 3294,  
amended to add  
commissioners of  
oaths to officials  
before whom in-  
struments may be  
proved or  
acknowledged.

SECTION 1. That Section three thousand two hundred and ninety-four of the Consolidated Statutes of North Carolina for the year one thousand nine hundred and nineteen be, and the same hereby is, amended by adding after the words, "commissioner of deeds," and before the words, "any mayor," in line seven thereof, the words, "any commissioner of oaths."

Certain instru-  
ments heretofore  
probated by com-  
missioner of oaths  
validated.

SEC. 2. That all deeds, mortgages or other instruments required to be registered, which prior to the ratification of this Act have been probated by a commissioner of oaths and ordered

registered, are hereby validated and confirmed as properly probated and registered instruments.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 144

### CHAPTER 472

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY OF THE PUBLIC LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE REGISTRATION OF DEEDS AND OTHER INSTRUMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and thirty of the Public Laws of North Carolina one thousand nine hundred and thirty-five be and the same is hereby amended by striking out the word "ten" in line two and inserting in lieu thereof the words "thirty-five."

Sec. 1, Ch. 130, Public Laws, 1935, relating to the probate of deeds in certain cases, amended.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 155

### CHAPTER 473

AN ACT TO PERMIT EXECUTORS, ADMINISTRATORS C. T. A., TRUSTEES AND GUARDIANS TO INVEST CERTAIN FUNDS HELD BY THEM IN THE SPECIFIED TYPES OF INSURANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Life, endowment, or annuity of legal reserve life insurance companies. Executors, administrators c. t. a., trustees and guardians legally holding funds or assets belonging to, or for the benefit of, minors or others may, upon petition filed with the clerk of the Superior Court of the county in which said fiduciary has qualified, be authorized by an order of such clerk of Superior Court and approved by either the resident judge or a judge of the Superior Court at term time, to invest such funds or assets, or part thereof, in single premium life,

Certain fiduciaries may be authorized to invest funds in certain insurance contracts.

Petition to Court.

Order by C. S. C.

Approval of Judge.

Authority to invest earnings in certain annual premium insurance contracts.

Encroachment on principal, when authorized by Court, to prevent lapsation of policy.

Lives upon which contracts may be issued.

Policy to be drawn for benefit of person whose funds are invested.

Contracts not to be purchased from companies for which fiduciary is agent.

Fiduciaries not to invest in insurance contracts in certain instances.

Conflicting laws repealed.

endowment or annuity contracts; any such fiduciaries may be authorized by order of the clerk of the Superior Court, upon approval by the judge as above provided, to invest the earnings, or part thereof, of such trust funds or assets, without encroaching upon the principal, in any annual premium life, endowment or annuity contracts of legal reserve life insurance companies duly licensed and qualified to transact business within the State: Provided, that where any such annual premium contract has been purchased as herein authorized any such fiduciary may, upon authorization of the clerk of the Superior Court and approval of the judge as above specified, encroach upon and use the principal of such trust funds or assets in order to pay subsequent premiums and thereby prevent a lapsation or forfeiture of any such insurance contract purchased pursuant to the provisions of this section.

SEC. 2. Such contracts may be issued on the life, or lives, of a ward, or wards, and beneficiary, or beneficiaries of a trust fund, or upon the life of any person in whose life the said ward or beneficiary has an insurable interest, and shall be so drawn by the insuring company, that the proceeds or avails thereof shall be the sole property of the person, or persons whose funds are invested therein. Such contracts may not be purchased from any such company for which such executor, administrator c. t. a., guardian or trustee is acting as agent, or receives any commission, or part of any commission, directly or indirectly paid by such company to its agent soliciting and/or selling such contract.

SEC. 3. Notwithstanding anything contained in this Act no insurance contracts as specified in Section one may be purchased by any executor, administrator c. t. a. trustee, or guardian if the trust agreement or other instrument, if any, under which such fiduciary has qualified and is acting provides otherwise.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 170

## CHAPTER 474

AN ACT TO AMEND SECTION FOUR THOUSAND NINE HUNDRED AND TWENTY-FIVE (q) OF VOLUME THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED BY CHAPTER THREE HUNDRED AND THIRTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand nine hundred and twenty-five (q) of Volume three of the Consolidated Statutes of North Carolina, as amended by Section ten of Chapter three hundred and thirty-seven of the Public Laws of one thousand nine hundred and forty-one be further amended by striking out the period following the word "storage" in line three of said section and by adding the following: "against loss by fire and lightning."

C. S. 4925 (q), vol. 3, relative to insurance on cotton, etc., amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 177

## CHAPTER 475

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-SEVEN PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, ESTABLISHING THE NORTH CAROLINA CAPE HATTERAS SEASHORE COMMISSION, AND TO PROVIDE FOR THE CONTINUED FUNCTIONING OF SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine, establishing the North Carolina Cape Hatteras Seashore Commission, be, and the same hereby is, amended by adding at the end of Section ten thereof, the following:

Ch. 257, Public Laws, 1939, establishing N. C. Cape Hatteras Seashore Commission, amended.

"The funds necessary for carrying out any and all of the purposes of this Act may be provided or supplemented, from time to time, by such allocations as may be made by the Governor and Council of State from the Contingency and Emergency Fund in the manner provided by law."

Funds may be provided from Contingency and Emergency Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 180

CHAPTER 476

AN ACT TO CHANGE THE BOUNDARIES OF WILLIAMS TOWNSHIP AND SOUTH WILLIAMS TOWNSHIP ELECTION PRECINCTS IN COLUMBUS COUNTY BY TRANSFERRING BLACK CREEK SCHOOL DISTRICT TO SOUTH WILLIAMS TOWNSHIP PRECINCT.

*The General Assembly of North Carolina do enact:*

Transfer of Black Creek School District in Columbus County to South Williams Township Election District.

SECTION 1. All that territory in Columbus County, North Carolina, commonly and generally known as Black Creek School District and now included in Williams Township Election Precinct, is hereby transferred to, and made a part of, South Williams Township Election Precinct.

Transfer of names of registered voters of said district.

SEC. 2. The registrar of South Williams Township Election Precinct shall copy from the registration books of Williams Township Election Precinct into the registration books of South Williams Township Election Precinct the names of all registered voters who are known to reside in the territory commonly and generally known as Black Creek School District; and such voters, after their names have been so copied, shall be eligible to vote in South Williams Township Election Precinct. The registrar of Williams Township Election Precinct shall strike from the registration books of his precinct the names of the voters who have been transferred as provided in this section to South Williams Township Election Precinct.

Names of voters transferred to be stricken from books of Williams Township Election District.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 187

## CHAPTER 477

AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO INJURE FIRE FIGHTING APPARATUS IN HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to drive any vehicle over fire hose and lines while being used on any street or highway in fighting fires or in any practice fire drills, or otherwise injure or damage the same; or to in any manner wilfully injure or damage any fire fighting apparatus. Any person violating this Act shall be guilty of a misdemeanor and shall be fined not to exceed fifty dollars (\$50.00), or imprisoned not to exceed thirty days.

Driving vehicle over fire hose in Harnett County made unlawful.

Wilful injury to fire fighting apparatus made unlawful.

Violation made misdemeanor.

SEC. 2. That this Act shall be applicable only to Harnett County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 188

## CHAPTER 478

AN ACT TO AMEND SECTION FOUR HUNDRED AND EIGHTY-THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED, RELATING TO THE SERVICE OF PROCESS IN CIVIL ACTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four hundred and eighty-three of the Consolidated Statutes of North Carolina, as amended, is further amended by adding thereto a new subsection to be numbered Subsection six and to read as follows:

C. S. 483 amended.

"6. Any unincorporated association or organization, whether resident or nonresident, desiring to do business in this State by performing any of the acts for which it was formed, shall, before any such acts are performed, appoint an agent in this State upon whom all processes and precepts may be served, and certify to the clerk of the Superior Court of each county in which said association or organization desires to perform any of the acts for which it was organized the name and address of such process agent. If said unincorporated association or organization shall fail to appoint the process agent pursuant to this subsection, all precepts and processes may be served upon the Secretary of State of the State of North

Process agent for unincorporated associations.

Name of agent to be certified to C. S. C.

Service on Secretary of State where association fails to appoint agent.

Service in manner prescribed herein binding.

Judgments rendered thereon valid.

Associations now operating to appoint agent within 30 days from ratification of this Act.

Effect of failure to appoint agent.

Conflicting laws repealed.

Carolina. Upon such service, the Secretary of State shall forward a copy of the process or precept to the last known address of such unincorporated association or organization. Service upon the process agent appointed pursuant to this subsection or upon the Secretary of State, if no process agent is appointed, shall be legal and binding on said association or organization, and any judgment recovered in any action commenced by service of process, as provided in this subsection, shall be valid and may be collected out of any real or personal property belonging to the association or organization.

“Any such unincorporated association or organization, now performing any of the acts for which it was formed, shall, within thirty days from the ratification of this subsection, appoint an agent upon whom processes and precepts may be served, as provided in this subsection, and in the absence of such appointment, processes and precepts may be served upon the Secretary of State, as provided in this subsection. Upon such service, the Secretary of State shall forward a copy of the process or precept to the last known address of such unincorporated association or organization.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 198

## CHAPTER 479

### AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO COOPERATE AND ASSIST IN THE ACQUISITION OF ADDITIONAL LAND IN CONNECTION WITH THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

Preamble:  
Approval of establishment of Great Smoky Mountains National Park.

Expenditure authorized to acquire certain lands.

Certain lands not acquired because of lack of funds.

WHEREAS, by Chapter forty-eight of the Public Laws of one thousand nine hundred and twenty-seven, the State of North Carolina approved the establishment of the Great Smoky Mountains National Park, lying partly within the State of North Carolina and partly within the State of Tennessee, and authorized the expenditure of two million dollars for the acquirement of that portion of the land lying within the State of North Carolina; and

WHEREAS, on account of the inadequacy of funds, certain lands originally proposed for inclusion within the boundaries of said National Park were allowed to remain in private ownership, including the approximately forty thousand (40,000) acres of land hereinafter referred to; and

WHEREAS, it appears that Tennessee Valley Authority is developing a hydro-electric plant, known as the Fontana Project, consisting of a dam and reservoir on the Little Tennessee River in North Carolina, and in connection with said project is interested in extinguishing the private ownership of certain land, aggregating approximately forty thousand (40,000) acres in area, lying between the present southern boundaries of the Great Smoky Mountains National Park and the Little Tennessee River within the reaches of said Fontana Reservoir, and desires the participation of the State of North Carolina in the acquisition of said land to the end that the boundaries of said park may ultimately be extended substantially as originally contemplated; NOW, therefore,

T. V. A. developing hydro-electric plant on Little Tennessee River.

T. V. A. desires to extinguish private ownership of 40,000 acres of land adjoining Park and T. V. A. project.

Desires participation of N. C. in acquiring said land.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor and Council of State be and they are hereby authorized, if in their judgment it should be desirable to do so, to cooperate with and assist the Tennessee Valley Authority in the purchase of approximately forty thousand (40,000) acres of land hereinbefore referred to, and in the settlement of any problems incident or related thereto, upon such conditions and understanding as to the future development of said land as the Governor and Council of State may determine to be feasible; and for the purpose of carrying out the provisions of this Act the Governor and Council of State be and they are hereby authorized to allot from the Emergency and Contingency Fund an amount not in excess of one hundred thousand dollars (\$100,000.00).

Governor and Council of State authorized to cooperate with T. V. A. in purchase of said lands.

Conditions of future development of said lands to be determined by Governor and Council of State.

Authorization of allotment from Emergency and Contingency Fund.

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 203

## CHAPTER 480

AN ACT TO AMEND SECTION SEVEN THOUSAND SIX HUNDRED AND FIFTY-FOUR (7654) OF THE CONSOLIDATED STATUTES RELATING TO THE DUTIES OF SECRETARY OF STATE SO AS TO ADD AN ITEM COVERING CUSTODY AND ADMINISTRATION OF OFFICIAL OATHS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section seven thousand six hundred and fifty-four (7654) of the Consolidated Statutes be, and the same is hereby amended by adding at the end thereof a new item, appropriately numbered, reading as follows: "To receive and keep all oaths of public officials required by law to be filed in his office, and as Secretary of State, he is fully empowered to administer official oaths to any public official of whom an oath is required."

C. S. 7654, relating to duties of the Secretary of State, amended.

To keep oaths of certain public officials.

To administer oaths to public officials.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 215

CHAPTER 481

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN KNOWN AS THE SOIL CONSERVATION DISTRICTS LAW SO AS TO PROVIDE PER DIEM COMPENSATION AND EXPENSE ALLOWANCES FOR THE SUPERVISORS PROVIDED FOR IN SAID ACT AND TO APPROPRIATE A SUFFICIENT AMOUNT TO COVER SAID PER DIEM ALLOWANCE AND TRAVEL EXPENSES.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 393, Public Laws, 1937, known as the Soil Conservation Districts Law, amended.

SECTION 1. That Section seven of Chapter three hundred and ninety-three of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the last sentence of the second paragraph and inserting in lieu thereof the following:

Compensation of supervisors.

“Each supervisor shall receive as compensation for his services the sum of three dollars (\$3.00) per diem for each meeting of the supervisors, not exceeding four meetings per year, and shall also be entitled to expenses, including traveling expenses necessarily incurred in the discharge of his duties.”

Appropriation from general fund to provide for payment of compensation of supervisors.

SEC. 2. In order to provide the amount necessary for the payment of the per diem and expenses of supervisors, provided for in Section one of this Act, there is hereby appropriated to the State Soil Conservation Committee from the general fund of the State the sum of five thousand dollars (\$5,000.00) for each year of the biennium beginning July first, one thousand nine hundred and forty-three, and ending June thirtieth, one thousand nine hundred and forty-five. Said sum so appropriated is to be expended by the Director of the State Agricultural Extension Service in compliance with the provisions of the Executive Budget Act.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 218

## CHAPTER 482

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO PAPERS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and eighteen of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby repealed.

Ch. 318, Public-Local Laws, 1939, relating to papers in office of C. S. C. of Alexander County, repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 220

## CHAPTER 483

AN ACT TO AMEND SECTION FOUR THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE, VOLUME II, OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, BEING ENTITLED "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF STANDARD PACKAGES, GRADES, STATE BRANDS, AND FOR OTHER PURPOSES."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four thousand seven hundred and eighty-five, Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by adding at the end of the first paragraph of said section the following: "The Board of Agriculture, or the Commissioner of Agriculture, and their authorized agents, are authorized to issue 'stop sale' orders which shall prohibit further sale of the products if they have reason to believe such products are being offered, or exposed, for sale in violation of any of the provisions of this Act until the law has been complied with or said violations otherwise legally disposed of."

C. S. 4785 amended.

Commissioner of Agriculture, etc., authorized to issue "stop sale" orders for products in certain instances.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 234

CHAPTER 484

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS AND MEMBERS OF THE BOARD OF EDUCATION OF ALEXANDER COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of County Commissioners and Board of Education of Alexander County.

For regular meetings.

For special meetings.

Compensation of Chairman of Board of County Commissioners.

Compensation of Chairman of Board of Education.

No compensation to member failing to attend meeting.

No compensation for more than one meeting a month.

Conflicting laws repealed.

SECTION 1. That the County Commissioners and members of the Board of Education of Alexander County shall receive as compensation for their attendance upon each regular monthly meeting of their respective boards, the sum of ten dollars each. For their attendance upon each special meeting of their respective boards, the commissioners or members of the county board of education shall receive as compensation, the sum of five dollars each. The Chairman of the Board of County Commissioners of Alexander County shall receive as compensation for his attendance upon each regular monthly meeting of the board, the sum of twelve dollars; and for his attendance upon special meetings, the chairman shall receive as compensation, the sum of six dollars. The Chairman of the Board of Education of Alexander County shall receive as compensation for his attendance upon each regular monthly meeting of the board, the sum of twelve dollars; and for his attendance upon special meetings, the chairman shall receive as compensation, the sum of six dollars.

Neither the chairman nor any member of either board shall receive any compensation for any meeting or meetings which he does not attend. Neither the chairman nor any member of either board shall receive any compensation for more than one special meeting in any calendar month.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 236

CHAPTER 485

AN ACT TO FIX THE SALARIES OF CERTAIN DEPUTY SHERIFFS OF DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of first Deputy Sheriff of Duplin County.

SECTION 1. That the first Deputy Sheriff of Duplin County shall be paid a salary of one hundred and fifty dollars (\$150.00) per month, plus the sum of twenty-five dollars (\$25.00) per month for the use of his car in the performance of his duties, said salary and allowance to be paid from the general fund of Duplin County.

SEC. 2. That the second Deputy Sheriff of Duplin County shall be paid a salary of one hundred and twenty-five dollars (\$125.00) per month, plus the sum of twenty-five dollars (\$25.00) per month for the use of his car in the performance of his duties, said salary and allowance to be paid from the general fund of Duplin County.

Salary of second Deputy Sheriff.

SEC. 3. That the office Deputy Sheriff of Duplin County shall be paid a salary of one hundred dollars (\$100.00) per month, said salary to be paid from the general fund of Duplin County.

Salary of office Deputy.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 5th day of March, 1943.

S. B. 242

### CHAPTER 486

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE PROVIDING FOR ADJUSTMENT OF DELINQUENT TAXES BY MAKING SAID CHAPTER APPLICABLE TO MUNICIPALITIES IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one of Chapter three hundred and five of the Public-Local Laws of one thousand nine hundred and thirty-five is hereby amended by inserting after the comma at the end of line one thereof the following:

Sec. 1, Ch. 305, Public-Local Laws, 1935, relating to adjustment of penalties, etc., on certain delinquent taxes in Columbus County, amended.

“and the governing bodies of all towns and municipalities in Columbus County,”

SEC. 2. Section one of Chapter three hundred and five of the Public-Local Laws of one thousand nine hundred and thirty-five is further amended by striking out the word “thirty-two” in line five of said section and inserting in lieu thereof the word “thirty-seven.”

Sec. 1, Ch. 305, Public-Local Laws, 1935, further amended to make said Act applicable to penalties, etc., on unpaid taxes for 1937 and prior years.

SEC. 3. All adjustments made by the Board of Commissioners of Columbus County or the governing bodies of the towns and municipalities in Columbus County heretofore made under Chapter three hundred and five of the Public-Local Laws of one thousand nine hundred and thirty-five are hereby ratified and confirmed.

Certain adjustments heretofore made under said Act confirmed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 243

CHAPTER 487

AN ACT TO REGULATE THE SALARIES OF OFFICIALS AND EMPLOYEES OF COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of Sheriff  
of Columbus  
County.

SECTION 1. The Sheriff of Columbus County shall be paid a salary of not less than two thousand and seven hundred dollars (\$2,700.00) and not more than three thousand dollars (\$3,000.00) per year, the amount to be determined in the discretion of the board of commissioners of said county, payable monthly from the general fund of the county.

Salary of Register  
of Deeds.

SEC. 2. The Register of Deeds of Columbus County shall be paid a salary of not less than two thousand and four hundred dollars (\$2,400.00) and not more than two thousand and seven hundred dollars (\$2,700.00) per year, the amount to be determined by the board of commissioners of said county in their discretion.

Salary of C. S. C.

SEC. 3. The Clerk of the Superior Court of Columbus County shall be paid a salary of not less than two thousand two hundred and eighty dollars (\$2,280.00) and not more than two thousand and seven hundred dollars (\$2,700.00) per year, the amount to be determined by the board of commissioners of said county, in their discretion. The salary herein provided shall be payable monthly from the general fund of Columbus County and shall be in addition to any salary which may be paid to the Clerk of the Superior Court of Columbus County for acting as Juvenile Judge and as Clerk to the Recorder's Court of Columbus County.

Payable monthly  
from general fund.

Salary in addition  
to certain other  
compensation  
paid to clerk.

Salary of Assist-  
ant C. S. C.

The Assistant Clerk of the Superior Court of Columbus County shall be paid a salary of not less than two thousand and one hundred dollars (\$2,100.00) and not more than two thousand and four hundred dollars (\$2,400.00) per year payable monthly from the general fund of Columbus County, the amount to be determined by the board of commissioners of said county, in their discretion.

Salary of Judge  
of Recorder's  
Court.

SEC. 4. The Judge of the Recorder's Court of Columbus County shall be paid a salary of not less than one thousand and five hundred dollars (\$1,500.00) and not more than two thousand and four hundred dollars (\$2,400.00) per year, which shall be payable monthly from the general fund of the county. The amount of such salary shall be determined by the board of commissioners of the county, in their discretion.

SEC. 5. The Board of Commissioners of Columbus County shall provide for the employment of such other officers and of such clerical help as may be necessary for the proper function of the government of the county and they shall annually in the preparation of their budget fix the salaries of such officers and employees, and make appropriations therefor in the budget. Such salaries shall be allowed as the board of commissioners, in their discretion, determine to be necessary and proper as compensation for the services to be performed.

Board of Commissioners to provide for other officers and clerical help.

Board to fix salaries.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 245

### CHAPTER 488

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO TIME OF SALE OF LAND FOR TAXES IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and twenty-seven of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby repealed.

Ch. 327, Public-Local Laws, 1935, relating to time of sale of land for taxes in Columbus County, repealed.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 251

### CHAPTER 489

AN ACT TO REPEAL CHAPTER NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATIVE TO THE COMPENSATION OF THE COTTON WEIGHER OF CABARUS COUNTY AND TO AMEND CHAPTER TWO HUNDRED AND THIRTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-FIVE SO AS TO FIX THE COMPENSATION OF SAID COTTON WEIGHER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ninety-five of the Public-Local Laws of one thousand nine hundred and nineteen be, and the same is hereby, repealed.

Ch. 95, Public-Local Laws, 1919, repealed.

Sec. 7, Ch. 238,  
Public Laws,  
1895, rewritten.

Compensation of  
cotton weigher  
of Cabarrus  
County.

Salary paid by  
county.

Additional fee of  
20¢ per bale.

Lien on cotton  
for fee.

Sale to satisfy  
lien.

Application of  
proceeds of sale.

Precedence of  
lien.

Right to appoint  
deputy.

Compensation of  
deputy.

Board of Com-  
missioners per-  
mitted to abolish  
office of cotton  
weigher.

Notice of resolu-  
tion abolishing  
office.

Rights heretofore  
accrued under  
Ch. 95, Public-  
Local Laws,  
1919, not affected  
hereby.

Conflicting laws  
repealed.

SEC. 2. That Section seven of Chapter two hundred and thirty-eight of the Public Laws of one thousand eight hundred and ninety-five be, and the same is hereby, stricken out and the following inserted in lieu thereof:

“SEC. 7. That the said cotton weigher of Cabarrus County shall receive as compensation for his services the sum of five hundred and twenty-five dollars (\$525.00) annually, to be paid in monthly installments of forty-three dollars and seventy-five cents (\$43.75) on the first of each month by the Board of County Commissioners of Cabarrus County, and in addition to said salary the said cotton weigher of Cabarrus County shall receive the sum of twenty cents (20¢) per bale for every bale of cotton weighed at the cotton platform in the City of Concord. Said fee shall be paid by the owner who shall be entitled to collect one half of said amount from the buyer, if said cotton is sold. Said cotton weigher shall have a lien on any cotton weighed by him or his deputy, hereinafter provided for, for the amount of said fee and may sell said cotton upon which said lien attaches in the open market at private sale without advertisement in order to satisfy said lien. From the proceeds realized from the sale of said cotton, said cotton weigher shall first deduct the amount represented by his lien, together with any costs incurred in connection with the sale and shall pay any surplus, if any, to the owner of said cotton. The lien of said cotton weigher on the cotton weighed by him shall take precedence over all other liens.

SEC. 3. That said cotton weigher shall have the right to appoint a deputy cotton weigher for the months of April, May, June, July, and August of each year to weigh any cotton brought to said cotton platform during said months. The cotton weigher shall be responsible for the acts of said deputy cotton weigher. The compensation of said deputy cotton weigher shall be paid by the cotton weigher.

SEC. 4. The Board of County Commissioners of Cabarrus County is authorized and empowered to abolish the office of cotton weigher by resolution duly adopted. Said resolution must be adopted at least twelve months prior to a general election, at which said cotton weigher is to be elected, and notice of the adoption of said resolution shall be published at least one time in a newspaper published in the City of Concord in Cabarrus County.

SEC. 5. Nothing herein contained shall affect any rights which have heretofore accrued under Chapter ninety-five of the Public-Local Laws of one thousand nine hundred and nineteen.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 268

## CHAPTER 490

AN ACT FIXING AND DEFINING THE TERM OF THE  
AGRICULTURAL TENANCY YEAR IN JOHNSTON  
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That, except when specifically contracted otherwise by a landlord and tenant, the term of the agricultural tenancy year in Johnston County shall begin on the first day of December of each year and expire on the first day of December in the next succeeding year, and the right of an agricultural tenant to use and occupy his landlord's premises shall be terminated on and as of the first day of December in the year of the termination of such tenant's lease or rental agreement, unless contracted otherwise by the landlord and tenant.

Term of agricultural tenancy year in Johnston County.

SEC. 2. All laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 277

## CHAPTER 491

AN ACT TO FIX THE JURY FEES FOR ALL THE  
RECORDER'S COURTS OF ROBESON COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. The jury fees for all the Recorder's Courts of Robeson County shall be one dollar and fifty cents (\$1.50) per juror per day.

Jury fees for Recorder's Courts of Robeson County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 282

## CHAPTER 492

AN ACT NULLIFYING THE COLLECTION OF TAXES LEVIED FOR THE YEARS ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN TO ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, INCLUSIVE, BY THE TOWN OF CANTON, EXCEPT WHERE SUIT HAS BEEN INSTITUTED THEREON.

Preamble:  
Certain taxes of  
Town of Canton  
uncollectible.

WHEREAS, there is less than one per cent of the taxes levied for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-six, inclusive, by the Town of Canton that remain uncollected, and that practically all of the uncollected taxes are on personal property and cannot be collected; and

Bookkeeping  
services in con-  
nection with said  
taxes expensive.

WHEREAS, the bookkeeping, auditing, and other services necessarily rendered by the tax department in connection with said taxes for said years are expensive and probably in excess of the amount that could be collected on said taxes: Now, therefore,

*The General Assembly of North Carolina do enact:*

Uncollected taxes  
levied by Town  
of Canton for  
years 1927 to  
1936, inclusive,  
nullified.

Not a lien on  
property.

No suit to be  
instituted thereon.

Pending suits  
unaffected.

Conflicting laws  
repealed.

SECTION 1. That all the uncollected taxes levied by the Board of Aldermen of the Town of Canton, Haywood County, for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-six, inclusive, be and the same are hereby nullified, and said taxes shall not constitute a lien against any property of the taxpayer, shall not be collected and no suit or proceeding shall be instituted or maintained against any taxpayer for the collection thereof; provided, this Act shall not apply to taxes on which suits are pending.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 287

## CHAPTER 493

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS OF WARREN COUNTY AND TO CONFER UPON THE BOARD OF COMMISSIONERS OF WARREN COUNTY DISCRETIONARY POWERS WITH RESPECT TO SALARIES.

Preamble:  
Rise in cost of  
living on account  
of War.

WHEREAS, due to an unprecedented rise in the cost of living on account of economic conditions incidental to the present World War: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Register of Deeds of Warren County shall be paid a salary of one hundred fifty dollars (\$150.00) per month as sole compensation for his services as register of deeds.

Compensation of Register of Deeds of Warren County.

SEC. 2. That the Judge of the Recorder's Court of Warren County shall be paid a salary of one hundred dollars (\$100.00) per month.

Salary of Judge of Recorder's Court.

SEC. 3. That the Deputy Clerk of the Superior Court of Warren County shall be paid a salary of one hundred dollars (\$100.00) per month, provided that the board of county commissioners shall have authority, in its discretion, to increase said salary if the board of county commissioners should find such increase warranted.

Salary of Deputy C. S. C.

May be increased by Board of County Commissioners.

SEC. 4. That the Board of Commissioners of Warren County is hereby authorized, in its discretion, to increase the salary paid by the county to any official or employee of the county by an amount not to exceed ten per cent of the salary paid to any such official or employee under the provisions of Sections one, two and three of this Act, or any other laws of this State, such increase in salary to be a war bonus. The discretionary powers herein vested in the county commissioners by this section shall not extend beyond December first, one thousand nine hundred and forty-four.

Board of Commissioners granted power to increase salaries of officials and employees of county.

Limitation.

Termination of power.

SEC. 5. That in addition to the salary now paid the Clerk of the Superior Court of Warren County, the said board of commissioners may, in its discretion, allow to the said clerk of superior court as compensation for his services as clerk of the recorder's court, and/or judge of the juvenile court, such sum as the board of county commissioners, in its discretion, shall deem just and proper.

Compensation may be allowed C. S. C. by Board for certain other services.

SEC. 6. That the salary schedule provided for in Sections one, two and three of this Act shall take effect as of January first, one thousand nine hundred and forty-three. The Board of Commissioners of Warren County is hereby authorized to order that any increases in salaries granted under the provisions of Section four of this Act shall take effect as of January first, one thousand nine hundred and forty-three.

Effective date of certain salaries under this Act.

SEC. 7. That all laws and clauses of laws, either public or public-local, in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 289

## CHAPTER 494

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE TO EXEMPT THE CITY OF FOREST CITY IN RUTHERFORD COUNTY FROM SECTION NINE A THEREOF.

*The General Assembly of North Carolina do enact:*

Sec. 9A, Ch. 357, Public Laws, 1941, amended to exclude the City of Forest City from the application of said section.

SECTION 1. Section nine A of Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and forty-one is hereby amended by striking out the period at the end of the section and substituting in lieu thereof a colon, and by adding the following:

“Provided further, that the provisions of this section shall not apply to the City of Forest City in Rutherford County.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 293

## CHAPTER 495

AN ACT TO REGULATE THE SALARIES OF THE PROSECUTING ATTORNEYS AND THE RECORDERS OF THE VARIOUS RECORDERS COURT DISTRICTS OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Salaries of Recorders and Prosecuting Attorneys of Recorders Court Districts of Robeson County.

SECTION 1. The Board of County Commissioners of Robeson County shall fix and determine the amount of salary to be paid each of the various Prosecuting Attorneys and Recorders of each of the various Recorders Court Districts of Robeson County, which salary shall be in lieu of all fees of other compensation heretofore accruing to said prosecuting attorneys and recorders under and by virtue of their respective offices; Provided, the salary of the prosecuting attorney of each of such recorders court districts shall in no event exceed the salary of the recorder of said recorders court district, except as hereinafter provided; Provided further, the person who performs the duties of Clerk of each of the Recorders Court Districts of Robeson County shall receive for his services for performing such duties as clerk of said district court an amount to be fixed by the Board of County Commissioners of Robeson County which amount so paid said person for performing the said duties of clerk of said district court shall be an amount equal

Salaries of clerks of said courts.

to fifty per centum of the amount of salary fixed for the prosecuting attorney of such district court.

SEC. 2. That all laws and clauses of laws in conflict with this Act are to the extent of such conflict hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and forty-four. Effective date.

Ratified this the 5th day of March, 1943.

S. B. 299

CHAPTER 496

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED, THE SAME BEING THE CHARTER OF THE TOWN OF MOUNT AIRY, AND TO PROVIDE FOR THE HOLDING OF A PRIMARY FOR NOMINATION OF CANDIDATES FOR THE MUNICIPAL ELECTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and sixty of the Private Laws of one thousand nine hundred and twenty-five, as amended, the same being the Charter of the Town of Mount Airy, be amended by adding a new section thereto to be known and designated as Section eleven (a), to read as follows: Ch. 160, Private Laws, 1925, being the Charter of Town of Mount Airy, amended.

“SEC. 11 (a). 1. Nomination by primaries. All candidates to be voted for at all general municipal elections, at which time a mayor and five commissioners, or any other elective officers, are to be elected, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter provided. Candidates for offices to be nominated in primaries.

“2. How primaries are held. The primary election for such nominations shall be held on the second Monday preceding the general election. The judges and other officers of election appointed for the general municipal election shall, whenever applicable, be the same judges of the primary election, and it shall be held in the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for the general municipal elections. Time and method of holding primaries.

“3. Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner or any other elective office shall, at least ten days prior to the primary election, file with the town Notice of candidacy.

Time for filing.

clerk a statement of such candidacy in substantially the following form:

'STATE OF NORTH CAROLINA  
COUNTY OF SURRY

Form of  
notice.

I, \_\_\_\_\_, hereby give notice that I reside at \_\_\_\_\_ Street, Town of Mount Airy, County of Surry, State of North Carolina; that I am a candidate for nomination to the office of mayor or commissioner, and if for commissioner, the ward or precinct number; or other elective office, to be voted upon at the primary election to be held on the \_\_\_\_\_ Monday of \_\_\_\_\_, 19\_\_\_\_. I affiliate with the \_\_\_\_\_ party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(SIGNED) \_\_\_\_\_,

Filing fee.

Such candidate shall, at the same time, pay to the town clerk to be turned over to the town treasurer the sum of five dollars (\$5.00).

Publication of  
names of candi-  
dates.

"4. Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall cause to be published in one issue of some newspaper of general circulation in said town, in proper form, the names of persons as they are to appear upon the primary ballots.

Ballots.

"5. Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below shall appear the words, 'Vote for one.' Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioner at large, with a square at the left of each name, and below shall appear the words, 'Vote for one.' Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for the commissioners in each ward or precinct, grouped separately, with a square at the left of each name, and below the names of such candidates, as grouped, shall appear the words, 'Vote for two.' The ballots shall be printed upon plain, substantial white paper and headed: 'Candidates for Nomination for Mayor and Commissioners of the Town of Mount Airy, North Carolina.'

Method of pre-  
paring ballots.

Form of ballots.

"6. Form of ballots. The ballots shall be in substantially the following form:

"(Place a cross in the square preceding the names of parties you favor as candidates for the respective positions.)

"Official primary ballot.

“Candidates for nomination for mayor and commissioners of the Town of Mount Airy, North Carolina, at the primary election.

“For mayor (name candidates). (Vote for one).

“For commissioner at large (name candidates). (Vote for one).

“For commissioners (name candidates). (Vote for two).

“Official ballot.

“Attest: Signature \_\_\_\_\_

Town Clerk

“7. Distribution of ballots. Having caused ballots to be printed, the town clerk shall cause to be delivered to each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor.

Distribution of ballots.

“8. Who is entitled to vote. The persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the town, under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of elections and registrars; provided, however, that the law applicable to challenge at a general municipal election shall be applicable to the challenge made at such primary election.

Persons entitled to vote.

Challenges.

“9. Ballots counted. Judges of elections shall immediately, upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the town clerk upon blanks to be furnished by the clerk within six hours of the closing of the polls.

Counting of ballots.

Returns to Town Clerk.

“10. Returns canvassed. On the day following the primary election the town clerk, under the supervision and direction of the mayor and the board of commissioners, shall canvass such returns so received from all the polling precincts, and shall make and publish in some newspaper of general circulation in the town at least once the results thereof. The canvass by the town clerk shall be publicly made.

Canvass of returns.

Publication of results.

Canvass to be public.

“11. Who to be candidates. The candidate receiving the highest number of votes for mayor and the candidate receiving the highest number of votes for commissioner at large, and the two candidates receiving the highest number of votes for commissioners in each ward or precinct shall be the candidates of the political party with which they affiliate and the only candidates whose names shall be placed upon the ballot for mayor

Method of determining candidates.

and commissioners at the next succeeding general municipal election: Provided, in all cases where only one aspirant for nomination by the party with which he affiliates for the office to which he aspires shall have filed as herein required, the board of commissioners shall declare such aspirant the nominee of the party with which he affiliates."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 301

CHAPTER 497

AN ACT TO AMEND ARTICLE III, SECTION ELEVEN, OF THE CONSTITUTION, WITH REFERENCE TO THE COMPENSATION OF THE LIEUTENANT GOVERNOR.

*The General Assembly of North Carolina do enact:*

Art. III, Sec. 11, N. C. Constitution, amended.

SECTION 1. That Article III, Section eleven, of the Constitution of North Carolina be, and the same hereby is, amended by rewriting said section so as to read as follows:

Lieutenant Governor to be President of Senate. General Assembly to fix his compensation.

"The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly."

Amendment to be submitted at next general election.

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

Form of ballots.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words "For amendment authorizing General Assembly to provide compensation for Lieutenant Governor," and those opposed shall vote a ballot on which shall be written or printed the words "Against amendment authorizing General Assembly to provide compensation for Lieutenant Governor."

Manner of conducting election.

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the

If majority favor amendment, Governor to certify amendment.

Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

Secretary of State to enroll amendment.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 328

### CHAPTER 498

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE RECORDER'S COURT OF EDGE-COMBE COUNTY, SO AS TO INCREASE THE SALARIES OF THE RECORDER AND PROSECUTOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter three hundred and sixty-six of the Public-Local Laws of one thousand nine hundred and forty-one, relating to the Recorder's Court of Edgecombe County, is hereby amended by striking out the words "one thousand and five hundred dollars (\$1,500.00) per annum," which appear at the end of Section two and inserting in lieu thereof the words "one thousand and eight hundred dollars (\$1,800.00) per annum," it being the intent and purpose of this section to increase the salary of the recorder.

Sec. 2, Ch. 366, Public-Local Laws, 1941, relating to Recorder's Court of Edgecombe County, amended.

Salary of Recorder increased.

SEC. 2. Chapter three hundred and sixty-six of the Public-Local Laws of one thousand nine hundred and forty-one, is hereby further amended by striking out the words "one thousand and two hundred dollars (\$1,200.00) per annum," which appear at the end of Section five and inserting in lieu thereof the words "one thousand and five hundred dollars (\$1,500.00) per annum," it being the intent and purpose of this section to increase the salary of the prosecuting attorney.

Sec. 5, Ch. 366, Public-Local Laws, 1941, amended.

Salary of Prosecuting Attorney increased.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 62

## CHAPTER 499

## AN ACT TO FIX THE SALARY OF THE COMMISSIONER OF AGRICULTURE AND THE SALARY OF THE COMMISSIONER OF LABOR.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 338, Public Laws, 1939, amended to increase compensation of Commissioner of Agriculture.

SECTION 1. That Section one of Chapter three hundred and thirty-eight of the Public Laws of one thousand nine hundred and thirty-nine, fixing the compensation of the Commissioner of Agriculture, be, and the same hereby is, amended by striking out the words and figures therein "six thousand dollars (\$6,000.00)" and inserting in lieu thereof the words and figures "six thousand and six hundred dollars (\$6,600.00)"; and that Section three thousand eight hundred and seventy-two of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be amended by striking out the words "six thousand dollars" therein and substituting in lieu thereof the words "six thousand and six hundred dollars."

C. S. 3872 amended.

SEC. 2. That Section one of Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-nine, fixing the salary of the Commissioner of Labor, be, and the same hereby is, amended by striking out the words and figures therein "six thousand dollars (\$6,000.00)" and inserting in lieu thereof the words and figures "six thousand and six hundred dollars (\$6,600.00)"; and that Section three thousand eight hundred and seventy-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be amended in accordance with the provisions of this Act.

Sec. 1, Ch. 349, Public Laws, 1939, amended to increase compensation of Commissioner of Labor.

C. S. 3873 amended.

SEC. 2½. That Section one of Chapter four hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-seven, fixing the salary of the Adjutant General, be, and the same is hereby amended by striking out the words and figures "five thousand dollars (\$5,000.00)" and inserting in lieu thereof the words and figures "six thousand dollars (\$6,000.00)."

Sec. 1, Ch. 415, Public Laws of 1937, amended to increase compensation of the Adjutant General.

Effective date of salaries herein fixed.

SEC. 3. That the salary herein fixed for the Commissioner of Agriculture and Commissioner of Labor and Adjutant General shall be effective from and after the first day of January, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 239

## CHAPTER 500

AN ACT TO AMEND SECTION SIXTEEN OF CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN TO EXEMPT FARM TRACTORS AND OTHER FARM VEHICLES FROM LICENSING AND REGISTRATION UNDER THE MOTOR VEHICLE LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section sixteen of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven is hereby amended by inserting at the end of said section a new paragraph as follows:

Sec. 16, Ch. 407, Public Laws, 1937, amended as to exemption of certain farm tractors, etc., from registration.

“(f) Farm tractors and trailers or semi-trailers with rubber tires used in farming operations, if such farm tractors or trailers or semi-trailers are otherwise exempt from registration, shall not be rendered subject to registration by reason of the use of such vehicles upon public highways by the owner of a farm in transporting wood, fertilizer, farm products, farm supplies, farm implements, or farm equipment from place to place on the same farm or from one farm to another.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 254

## CHAPTER 501

AN ACT TO AMEND SECTION ONE THOUSAND ONE HUNDRED AND NINETY-SEVEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER TWO HUNDRED AND TWENTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO LIENS FOR LABOR AND SERVICES, TO PROVIDE FOR REGISTERED MORTGAGES AND DEEDS OF TRUST.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one thousand one hundred and ninety-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Chapter two hundred and twenty-three of the Public Laws of one thousand nine hundred and thirty-seven, is hereby amended by striking out the period at the end of the section and inserting in lieu thereof a colon, and adding after the colon the following:

C. S. 1197, relative to lien on assets of insolvent corporation, etc., for certain wages, amended.

“Provided, that the lien created by this section shall not apply to multiple unit dwellings, apartment houses, or other buildings for family occupancy except as to labor performed on the premises upon which the lien is claimed. This section shall not apply to any single unit family dwelling.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 272

## CHAPTER 502

AN ACT TO AMEND AN ACT KNOWN AS “THE NORTH CAROLINA WORKMEN’S COMPENSATION ACT” BEING CHAPTER ONE HUNDRED AND TWENTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE AS AMENDED, INCREASING BENEFITS UNDER SECTION THIRTY-ONE, CLARIFYING DISFIGUREMENT PROVISIONS AND INCREASING MAXIMUM WEEKLY RATE OF COMPENSATION FROM EIGHTEEN DOLLARS TO TWENTY-ONE DOLLARS.

*The General Assembly of North Carolina do enact:*

Ch. 120, Public Laws, 1929, being Workmen’s Compensation Act, amended.

SECTION 1. That the Workmen’s Compensation Act, Chapter one hundred and twenty, Public Laws of one thousand nine hundred and twenty-nine as amended and herein referred to as “The Act,” be amended as provided herein, to-wit:

Sec. 31 rewritten.

SEC. 2. Amend Section thirty-one by striking out the entire Section thirty-one of The Act and substituting therefor the following:

Compensation in certain scheduled cases.

“In cases included by the following schedule the compensation in each case shall be paid for disability during the healing period and in addition the disability shall be deemed to continue for the periods specified, and shall be in lieu of all other compensation, including disfigurement, to-wit:

Disability.

Loss of thumb.

“(a) For the loss of a thumb, sixty per centum of the average weekly wages during sixty-five weeks.

Loss of first finger.

“(b) For the loss of a first finger, commonly called the index finger, sixty per centum of the average weekly wages during forty weeks.

Loss of second finger.

“(c) For the loss of a second finger, sixty per centum of the average weekly wages during thirty-five weeks.

- “(d) For the loss of a third finger, sixty per centum of the average weekly wages during twenty-two weeks. Loss of third finger.
- “(e) For the loss of a fourth finger, commonly called the little finger, sixty per centum of the average weekly wages during sixteen weeks. Loss of little finger.
- “(f) The loss of the first phalange of the thumb or any finger shall be considered to be equal to the loss of one half of such thumb or finger, and the compensation shall be for one half of the periods of time above specified. Loss of first phalange of thumb or finger.
- “(g) The loss of more than one phalange shall be considered the loss of the entire finger or thumb: Provided, however, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand. Loss of more than one phalange.  
Limitation on amount received for several fingers.
- “(h) For the loss of a great toe, sixty per centum of the average weekly wages during thirty-five weeks. Loss of great toe.
- “(j) For the loss of one of the toes other than a great toe, sixty per centum of the average weekly wages during ten weeks. Loss of other toes.
- “(k) The loss of the first phalange of any toe shall be considered to be equal to the loss of one half of such toe, and the compensation shall be for one half of the periods of time above specified. Loss of first phalange of toe.
- “(l) The loss of more than one phalange shall be considered as the loss of the entire toe. Loss of more than one phalange.
- “(m) For the loss of a hand, sixty per centum of the average weekly wages during one hundred and seventy weeks. Loss of hand.
- “(n) For the loss of an arm, sixty per centum of the average weekly wages during two hundred and twenty weeks. Loss of arm.
- “(o) For the loss of a foot, sixty per centum of the average weekly wages during one hundred and forty-four weeks. Loss of foot.
- “(p) For the loss of a leg, sixty per centum of the average weekly wages during two hundred weeks. Loss of leg.
- “(q) For the loss of an eye, sixty per centum of the average weekly wages during one hundred and twenty weeks. Loss of eye.
- “(r) The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of Section twenty-nine. Loss of both hands, or arms, etc.
- “(s) For the complete loss of hearing in one ear, sixty per centum of the average weekly wages during seventy weeks; for the complete loss of hearing in both ears, sixty per centum  
Loss of hearing in one ear.  
In both ears.

of the average weekly wages during one hundred and fifty weeks.

Loss of use of member or eye.

“(t) Total loss of use of a member or loss of vision of an eye shall be considered as equivalent to the loss of such member or eye. The compensation for partial loss of or for partial loss of use of a member or for partial loss of vision of an eye shall be such proportion of the payments above provided for total loss as such partial loss bears to total loss, except that in cases where there is eighty-five per centum, or more, loss of vision in an eye, this shall be deemed ‘industrial blindness’ and compensated as for total loss of vision of such eye.

Compensation for partial loss or partial loss of use.

85% loss of vision of an eye compensated as total loss of vision thereof.

Limitation on compensation.

“(u) The weekly compensation payments referred to in this section shall all be subject to the same limitations as to maximum and minimum as set out in Section twenty-nine.

Compensation for facial or head disfigurement.

“(v) In case of serious facial or head disfigurement, the Industrial Commission shall award proper and equitable compensation not to exceed two thousand five hundred dollars. In case of enucleation where an artificial eye cannot be fitted and used, the Industrial Commission may award compensation as for serious facial disfigurement.

Compensation in enucleation cases.

Compensation for bodily disfigurement, etc.

“(w) In case of serious bodily disfigurement, including the loss or permanent injury to any important organ of the body for which no compensation is payable under the preceding subsections, but excluding the disfigurement resulting from permanent loss or permanent partial loss of use of any member of the body for which compensation is fixed in the above schedule, the Industrial Commission may award proper and equitable compensation not to exceed two thousand five hundred dollars.”

Sec. 29, relating to compensation for total disability, amended as to maximum weekly benefits.

SEC. 3. Amend Section twenty-nine of The Act by striking out the word “eighteen” appearing in line five thereof and substituting the word “twenty-one” therefor.

Sec. 30, relating to compensation for partial disability, amended as to maximum weekly benefits.

SEC. 4. Amend Section thirty of The Act by striking out the word “eighteen” appearing in line eight thereof and substituting the word “twenty-one” therefor.

Sec. 33, relating to compensation in certain death cases, amended.

SEC. 5. Amend Section thirty-eight of The Act by striking out the word “eighteen” appearing in line nine thereof and substituting the word “twenty-one” therefor.

Conflicting laws repealed.

SEC. 6. All Acts and parts of Acts inconsistent with any provisions of this Act are hereby repealed.

Act effective only to injuries received after ratification.

SEC. 7. This Act shall become effective and apply only to injuries received from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 295

## CHAPTER 503

AN ACT TO PROVIDE A METHOD OF ABSENTEE REGISTERING AND VOTING, IN TIME OF WAR, BY MEMBERS OF THE LAND AND NAVAL FORCES ABSENT FROM THE PLACE OF THEIR RESIDENCE.

WHEREAS, the Seventy-seventh Congress of the United States has, by Public Law seven hundred and twelve, provided a method of absentee voting, in time of war, by members of the land and naval forces absent from the place of their residence at the time of a general election, notwithstanding any provisions of a State law relating to registration of qualified voters; and

WHEREAS, under said Act of Congress, such members of the United States armed forces are permitted to vote only for such Federal officers as Electors of President and Vice President of the United States, United States Senators, and Representatives in Congress unless such persons are already registered qualified voters; and

WHEREAS, it is the desire and intention of this General Assembly to pass such enabling legislation to the existing absentee voting laws of North Carolina as will permit such persons in the United States armed forces to vote for all candidates for all Federal, State, district, county and local offices, and on all constitutional amendments and propositions submitted to the voters of this State in time of war, as well as to facilitate the method of such absentee voting by such persons: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. Every individual absent from the county of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps and Merchant Marine, who is eligible to register for and is qualified to vote at any election held under the laws of this State, shall be entitled to register and vote in the manner hereinafter provided.

SEC. 2. Such absent member of the United States armed forces, absent from his residence county, may make an application, in writing, at any time prior to an election on the form prescribed in Public Law seven hundred and twelve of the Seventy-seventh Congress, to the Secretary of State, for absentee ballots to be voted in the election, and the Secretary of State, shall, after making a record of the name and residence of such applicant, transmit such application to the office of the State Board of Elections. The State Board of Elections shall, after the receipt of such application from the Secretary of State, transmit said application to the chairman of the

Preamble:  
Congress provided for absentee voting by Armed Forces during time of War.

Act of Congress applies only to voting for certain Federal officers.

Desire of General Assembly to permit persons in Armed Forces to vote in all elections.

Persons qualified to vote in N. C. and now in Armed Forces and certain other services entitled to vote.

Application to Secretary of State for absentee ballots.

Application transmitted by State Board of Elections to County Board.

county board of elections of the county in which applicant resides, with all necessary instructions to said county chairman as to his duties hereunder.

Duty of Chairman of County Board.

SEC. 3. It shall be the duty of the chairman of the county board of elections upon receipt of said application from the State Board of Elections to:

If applicant registered, chairman to mail ballots.

(a) If the applicant is found by the chairman of the county board of elections to be registered in the registration book of the precinct in which applicant advises he is residing, the said chairman shall mail such applicant one official absentee ballot of each kind being used in the election, together with a container return envelope for the return of the ballot the same as required by Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine.

If applicant not registered but eligible for registration, chairman may register applicant.

(b) If the applicant is found by the chairman not to be registered in the registration book of the voting precinct in which the applicant declares he is residing, upon the chairman determining the resident precinct of such applicant and that he is eligible under Article six of the State Constitution and the statutory laws relating thereto to be registered, then the said chairman may register such applicant in the registration book furnished and kept by him under the provisions of Section three of Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine, according to precincts.

Ballots mailed to applicants.

When the chairman of the county board of elections has registered said applicant in said registration book, he shall thereupon mail to the applicant one official absentee ballot of each kind being used in the election, including candidates for all Federal, State, district, county and local offices and for constitutional amendments, together with a container return envelope for the return of the ballots to the chairman the same as required by Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine.

Chairman to prepare lists of names of persons registered on absentee books.

SEC. 4. The chairman of the county board of elections shall prepare in duplicate a list of the names of all persons who have applied for absentee ballots under the said Federal Act and whose names he has registered on said absentee registration book. One copy of this list shall be delivered by said chairman, together with a copy of the list of names of all other absentee ballots which he is required by Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine to deliver, to the registrar of each precinct on the morning of the election, which shall be posted by the registrar in a public place at the voting precinct where it may be inspected by any voter. This list shall be entitled "List of applicants under the Federal Act for absentee ballots registered

Copy of list to be posted at voting precinct.

by chairman of the county board of elections." One copy shall be kept by such chairman.

SEC. 5. The chairman of the county board of elections' list as delivered to the registrars of the various precincts shall constitute the only precinct registration of the members of the armed forces registering under the provisions of this Act, and the posting of such list by the registrar at the precinct shall be sufficient to validate the ballots of such absentee voters when such ballots are in all other respects regular, and the registrars shall not register on the regular election registration books of the precincts the names of such voters registered under the provisions of this Act.

List constitutes registration by members of Armed Forces.

SEC. 6. If an unregistered applicant for an absentee ballot in the said armed forces applies in writing direct to the chairman of the county board of elections instead of through the Secretary of State, the said chairman may likewise register said applicant in his registration book and mail him the absentee ballot if the chairman determines that said applicant is qualified to register under Article six of the State Constitution and the statutory laws enacted relating thereto and shows that he or she is a member of the United States armed forces as above described in Section one hereof.

Names not to be registered on regular books.

Application made direct to County Chairman.

SEC. 7. Except as herein otherwise provided, the provisions of Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine, relating to absentee voting in general elections, shall apply as to the form of the absentee ballot, the certificates, envelopes, and manner of depositing and voting of such ballots, counting of ballots and certifying results, et cetera.

Ch. 159, Public Laws, 1939, applicable, except as otherwise provided herein.

SEC. 8. The State Board of Elections is hereby given full power and authority to supervise the administration of this Act, and in case sufficient provisions may not appear to have been made herein, said Board of Elections may make such reasonable rules and regulations as are necessary to carry out the true intent and purpose of this Act, not in conflict with the provisions of the law relating thereto.

State Board of Elections to supervise administration of act.

Power to make necessary rules.

SEC. 9. In the event the Congress of the United States should change the provisions of the Federal Law by extending its provisions to apply to primary elections as well as to general elections, or should otherwise amend the law pertaining to the same, the State Board of Elections is hereby given sufficient power and authority to promulgate whatever rules and regulations it may deem necessary to conform thereto, including making the provisions of this Act applicable to primary elections the same as to general elections.

If Congress extends Federal Law to primary elections Board of Elections may conform thereto.

SEC. 10. In order to fully carry out the purposes and intentions of this Act, the State Board of Elections and the various

Printing and distribution of ballots, etc.

county boards of elections, as the case may be, are authorized, empowered and directed to have printed, and in the hands of the proper election officials, all necessary ballots, together with the container return envelope, not later than the first day of August immediately preceding the ensuing general election, and in the event this Act is made applicable to primary elections, not later than ten days after the time has expired for the filing for candidacy by county officers.

Expenses of administering Act.

SEC. 11. The expenses of administering the provisions of this Act by the State Board of Elections shall be paid for by allotment from the State Contingency and Emergency Fund, unless or until the same is paid by the Federal Treasury under the provisions of the said Federal Act.

Act inapplicable to persons discharged from Armed Forces.

SEC. 12. Upon any member of the armed forces as hereinbefore defined, being discharged therefrom, he or she shall no longer be entitled to the benefits of the provisions of this Act, and if such person registered under the provisions of this Act, he or she shall be required to re-register in person the same as any other person before being entitled to vote in any election.

Re-registration.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 312

## CHAPTER 504

### AN ACT TO PROHIBIT THE SALE OF CATTLE, SWINE OR VEAL, BY PUBLIC AUCTION EXCEPT BY WEIGHT DETERMINED AT THE TIME OF SALE, IN MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

Certain sales of cattle, swine, etc., made unlawful.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any cattle, swine or veal for slaughter at public auction except by weight determined at the time and/or place of delivery or transfer of custody.

Violation made misdemeanor.

SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Application of Act.

SEC. 3. This Act shall apply only to Mecklenburg County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 324

CHAPTER 505

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED BY CHAPTER THREE HUNDRED AND NINETY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND CHAPTER TWO HUNDRED AND THIRTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE FOR THE PURPOSE OF CORRECTING CERTAIN ERRORS THEREIN RELATING TO OLD AGE ASSISTANCE AND AID TO DEPENDENT CHILDREN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seven, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out therefrom the last sentence reading as follows:

Ch. 288, Public Laws, 1937, being an act to provide assistance to needy aged persons and dependent children, etc., amended.

“The cost of administering the provisions of this title shall be, in part, paid from said fund in accordance with Section twenty-four of this title.”; and that said section be further amended by striking out the words “sixty-three” in line sixteen thereof and substituting therefor the words “sixty-two.”

Sec. 7 amended.

SEC. 2. That Section thirteen, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out from Subsection (g) thereof the following words: “an annual report and such interim.”

Sec. 13 amended.

SEC. 3. That Section twenty, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the words “board of county commissioners” in the third line thereof and the words “county board of commissioners” in line six thereof and substituting in each case the words “county welfare superintendent,” and that said section be further amended by striking out all of the last paragraph thereof.

Sec. 20 amended.

SEC. 4. That Section twenty-two, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven as amended by Section one (k), Chapter three hundred and ninety-five, Public Laws of one thousand nine

Sec. 22 amended.

hundred and thirty-nine be amended by adding at the end thereof the following:

Signatures on warrants for disbursement of old age assistance funds.

“Provided, that in the event any temporary vacancy should exist in the office of county welfare superintendent, or in the office of chairman of the county welfare board, the signature of either remaining officer together with that of the county auditor shall be sufficient for the disbursement of such funds.”

Sec. 37 amended.

SEC. 5. That Section thirty-seven, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven as amended by Section one (h), Chapter two hundred and thirty-two, Public Laws of one thousand nine hundred and forty-one be amended by striking out the words “sixty-three” in lines sixteen thereof and substituting therefor the words “sixty-two,” and that said section be further amended by striking out all of the last sentence of the first paragraph reading: “The cost of administering the provisions of this title shall be, in part, paid from said funds in accordance with Section fifty-four of this title.”

Sec. 43 amended.

SEC. 6. That Section forty-three, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out from Subsection (g) thereof the following words: “an annual report and such interim.”

Sec. 50 amended.

SEC. 7. That Section fifty, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the words “board of county commissioners” in line four and the words “county board of commissioners” in line seven and inserting in lieu thereof in each instance the words “county welfare superintendent,” and that the said section be further amended by striking out all of the last paragraph thereof.

Sec. 51 amended.

SEC. 8. That Section fifty-one, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the word “April” in line nine of the last paragraph and inserting in lieu thereof the word “May.”

Sec. 53 amended.

SEC. 9. That Section fifty-three, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven as amended by Section one (k), Chapter two hundred and thirty-two, Public Laws of one thousand nine hundred and forty-one be amended by striking out the words: “in accordance with the total amount of benefit payments to be paid in each county for aid to dependent children therein,” and the commas before and after said words.

Sec. 54 amended.

SEC. 10. That Section fifty-four, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and

thirty-seven as amended by Chapter four hundred and five, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the words "one-third" in line sixteen and inserting in lieu thereof the words "one-fourth."

SEC. 11. That Section sixty-two, Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the words "thirty-nine" in line five and substituting in lieu thereof the words "thirty-eight." Sec. 62 amended.

SEC. 12. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 13. This Act shall be in force from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 371

## CHAPTER 506

### AN ACT TO PREVENT PUBLIC DRUNKENNESS IN CURRITUCK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person or persons found drunk or intoxicated on the public highway, or at any public place or meeting in Currituck County, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) for each offense, or be imprisoned not exceeding thirty (30) days, at the discretion of the court. Public drunkenness in Currituck County made misdemeanor.  
Punishment.

SEC. 2. That upon complaint before any justice of the peace, he shall issue a warrant for the arrest of the accused and in the absence of a duly authorized officer to execute the said warrant, he shall deputize any citizen to execute the same. Magistrate to issue warrant on complaint.

SEC. 3. That Chapter four hundred and forty-seven of the Public Laws of one thousand nine hundred and one, entitled, "An Act to prevent public drunkenness in Poplar Branch Township in Currituck County," be, and the same is hereby, repealed. Ch. 447, Public Laws, 1901, repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 417

## CHAPTER 507

AN ACT TO AMEND THE CHARTER OF THE CITY OF  
NEW BERN.

*The General Assembly of North Carolina do enact:*

Charter of City  
of New Bern  
amended.

Employment of  
City Manager by  
Board of Alder-  
men.

Qualifications.

Compensation.

Bond.

To serve at will  
of Board.

Public hearing  
on removal in  
certain instance.

Decision of Alder-  
men final.

Substitute for  
City Manager  
during his ab-  
sence, etc.

Duties of City  
Manager.

Authorization by  
Board on con-  
tracts and pur-  
chases.

Duty to have  
laws enforced.

Power to revoke  
licenses.

SECTION 1. The charter of the City of New Bern, Craven County, be and the same is hereby amended by adding thereto the following: That the board of aldermen shall be and it is hereby authorized and empowered to employ a city manager, who shall be the executive agent of the board of aldermen in the administration of the affairs of the city. He shall be chosen by the board of aldermen without regard to his political opinions and solely upon the basis of his training, experience and administrative qualifications, and the choice shall not be limited to inhabitants of the city or State. No member of the board of aldermen shall, during the term for which elected, be chosen as city manager. The city manager shall receive such compensation as shall be provided by the board of aldermen by ordinance. He shall give such bond as may be required by the board of aldermen. He shall be appointed for an indefinite period and shall serve at the will of the board of aldermen: Provided, however, that in the event of his removal within eighteen months from the ratification of this amendment he may demand and shall be entitled to a public hearing thereon before the board of aldermen, prior to the date on which his final removal shall take effect, but the decision of the board of aldermen at such hearing shall be final, and pending such hearing the board of aldermen may suspend him from duty. During the absence or disability of the city manager or while the office is not filled, the board of aldermen may designate some properly qualified person to perform his duties.

The city manager shall be responsible to the board of aldermen for the efficient administration of all the affairs of the city under his direction and control. It shall be his duty to attend the meetings of the board of aldermen, with the right to take part in the discussion but without a vote. He shall recommend to the board of aldermen from time to time such measures as he shall deem necessary, and shall furnish the board of aldermen with necessary information respecting any of the departments of the city under his direction and control. He shall not make any contract or purchase in the name of the city unless the same shall have been authorized by ordinance or resolution of the board of aldermen. The city manager shall not be personally interested in any contract to which the city is a part. It shall be the duty of the city manager to see that the laws and ordinances of the city are properly enforced. He shall have power and authority, pending action by the board of aldermen, to revoke licenses issued subject to revocation.

Unless otherwise provided in the charter, the city manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the city. Except for the purpose of inquiry, the board of aldermen and its members shall deal with the administrative service of the city through the city manager. No member of the board of aldermen shall give orders to any subordinate of the city manager, either publicly or privately. Where the charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city, neither the board of aldermen nor any of its members shall dictate the appointment or employment of any person or persons, but the city manager shall be left free to exercise his own judgment in appointing such person or persons, and he shall have power to suspend or dismiss any person so appointed and his action in every case shall be final.

Power to appoint and remove certain officers and employees.

Restriction on Board of Aldermen in dealing with administrative service and employees.

The city manager shall, except when clearly inconsistent with the provisions of the charter, exercise supervision and control over all departments and divisions created herein or that may hereafter be created by the board of aldermen. He shall prepare and submit to the board of aldermen for its consideration and action a proposed annual budget and shall keep the board, at all times, advised as to the conditions and efficiency of the various departments of the city under his direction and control, and of the needs and condition of the city. He shall perform such other duties as may be prescribed by the charter or be required of him by ordinance or resolution of the board of aldermen.

Control of City Manager over departments.

Preparation of budget.

Other duties of City Manager.

The city manager shall not engage in electioneering nor take an active part in political campaigns nor attempt to influence the result of State, county or city elections except by exercising his right as a citizen to hold his own political views and to cast his own vote. Electioneering or improper political activities by the city manager or attempt to influence the results of election or primaries shall be a cause for his immediate suspension or removal from office, either by the board of aldermen or by any judge of the Superior Court having jurisdiction upon mandamus or other appropriate proceedings instituted by any taxpayer of said city.

City Manager prohibited from certain political activities.

Electioneering, etc., cause for removal or suspension.

The city manager shall not change or alter any salary of any employee of the City of New Bern after the same has been fixed in the annual budget.

Salaries of employees not to be changed after fixed by budget.

SEC. 2. At the time of holding the primary for the nomination of Mayor and other officers of the City of New Bern in the year one thousand nine hundred and forty-three, the questions of the adoption of this amendment to the charter of the City of New Bern shall be submitted to the qualified voters of said city. The said election shall be held under the laws governing

This amendment to be submitted to voters at 1943 election.

Conduct of election.

Form of ballot.

the holding of primary elections and elections for the City of New Bern. At said election all those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Amendment Providing for City Manager," and those who are opposed shall vote a ballot upon which shall be printed or written the words "Against Amendment Providing for City Manager." If in said election a majority of the votes cast shall be "For Amendment Providing for City Manager" the said amendment shall be adopted and become a part of the charter of the City of New Bern, but if a majority of the votes cast shall be "Against Amendment Providing for City Manager," said amendment shall not become a part of the charter of the City of New Bern.

Effective date of amendment, if adopted.

SEC. 3. If said amendment shall be adopted as herein provided for, then, and in such event, it shall go into effect at the time of the qualification of the mayor and aldermen, who shall be elected at the election held in one thousand nine hundred and forty-three.

SEC. 4. Except as herein provided, this Act shall be in force from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 453

## CHAPTER 508

### AN ACT TO VALIDATE CERTAIN BONDS HERETOFORE ISSUED BY FRANKLINTON TOWNSHIP AND BY LOUISBURG TOWNSHIP IN FRANKLIN COUNTY AND TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS.

Preamble:

\$20,000 Road Bonds of Franklinton Township, Franklin County, outstanding.

WHEREAS, there have heretofore been issued and there are now outstanding, twenty thousand dollar six per cent Road Bonds of Franklinton Township in Franklin County, North Carolina, dated July first, one thousand nine hundred and thirteen, and maturing July first, one thousand nine hundred and forty-three; and

\$38,000 Road Bonds of Louisburg Township outstanding.

WHEREAS, there have heretofore been issued forty thousand dollar five and one-half per cent Road Bonds of Louisburg Township in Franklin County, North Carolina, dated February twentieth, one thousand nine hundred and fourteen, and maturing February twentieth, one thousand nine hundred and forty-four, of which thirty-eight thousand dollar bonds are now outstanding; and

Bonds issued for constructing and improving public roads.

WHEREAS, all of said bonds of each township were duly issued for the purpose of constructing and improving public roads in such township, the same constituting necessary expenses of such township: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of the bonds of Franklin Township and of Louisburg Township which are described in the foregoing preambles are hereby in all respects validated and confirmed and declared to constitute valid subsisting indebtedness of such townships, respectively.

Bonds validated.

SEC. 2. That the Board of Commissioners for the County of Franklin is hereby authorized and empowered to issue, at one time or from time to time, in accordance with the provisions of Chapter two hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-three, as amended, negotiable bonds of Franklinton Township to refund all or any part of the Franklinton Township Road Bonds, dated July first, one thousand nine hundred and thirteen, and described in the foregoing preambles. In each year while any of such refunding bonds shall be outstanding there shall be levied upon all the taxable property within Franklinton Township a special tax sufficient to pay the principal of and the interest on all such bonds as the same become due and payable, which tax shall be in addition to all other taxes authorized or limited by law. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Issuance of refunding bonds of Franklinton Township authorized.

Special tax to be levied for payment of principal and interest of refunding bonds.

Approval by General Assembly.

SEC. 3. That the Board of Commissioners for the County of Franklin is hereby authorized and empowered to issue, at one time or from time to time, in accordance with the provisions of Chapter two hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-three, as amended, negotiable bonds of Louisburg Township to refund all or any part of the Louisburg Township Road Bonds, dated February twentieth, one thousand nine hundred and fourteen, and described in the foregoing preambles. In each year while any of such refunding bonds shall be outstanding there shall be levied upon all the taxable property within Louisburg Township a special tax sufficient to pay the principal of and the interest on all such bonds as the same become due and payable, which tax shall be in addition to all other taxes authorized or limited by law. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Issuance of refunding bonds of Louisburg Township authorized.

Special tax to be levied for principal and interest of refunding bonds.

Approval by General Assembly.

SEC. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers.

Powers herein in addition to existing powers.

SEC. 5. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 480

## CHAPTER 509

## AN ACT TO ALLOW THE PAYMENT OF A SALARY OF THE JAILER OF NORTHAMPTON COUNTY IN LIEU OF FEES.

*The General Assembly of North Carolina do enact:*

Salary of jailer of Northampton County.

SECTION 1. That the Board of Commissioners of Northampton County be, and it is hereby, authorized to pay the jailer of Northampton County a salary in addition to the fees and other emoluments and allowances that are paid to him, the amount of such salary to be fixed and determined by said board.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 498

## CHAPTER 510

## AN ACT TO EXTEND THE TERM OF OFFICE OF THE TREASURER OF GASTON COUNTY, AND TO PROVIDE FOR A FOUR YEAR TERM FOR SAID TREASURER.

*The General Assembly of North Carolina do enact:*

Term of office of present Treasurer of Gaston County.

SECTION 1. The term of office of the present Treasurer of Gaston County is hereby extended to the first Monday in December, one thousand nine hundred and forty-six, and until his successor is elected and qualified. At the general election in one thousand nine hundred and forty-six, and quadrennially thereafter, there shall be elected by the qualified voters of Gaston County a county treasurer whose term of office shall be four years from the first Monday in December thereafter.

Treasurer to be elected in 1946 and quadrennially thereafter.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 524

## CHAPTER 511

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA, FIX THEIR TERMS OF OFFICE, AND LIMIT COMPENSATION AT STATE EXPENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the hereinafter named persons are hereby appointed members of the county boards of education for the several counties in the State as follows, to-wit:	Appointment of members of County Boards of Education.
Alamance—T. E. Powell, J. C. Wilkins, each for a term of six years.	Alamance County.
Alexander—E. L. Hedrick.	Alexander County.
Alleghany—G. N. Evans, for a term of six years; Carlie Hash, for a term of four years; Gwyn Cox.	Alleghany County.
Anson—A. E. Hendley, Sr., G. K. Little.	Anson County.
Ashe—V. C. Lillard, Mack Absher, Bryan Kirby, Clyde Houck, A. J. Houck.	Ashe County.
Avery—Carl J. Wisemen, for a term of six years; John Frank Hampton, for a term of four years; J. M. Dearmin.	Avery County.
Beaufort—C. F. Cowell, Ottis C. Barr, S. B. Etheridge, Dan M. Windley, Dr. W. T. Ralph.	Beaufort County.
Bertie—W. V. Hoggard, R. N. Hoggard, P. F. Cobb, J. B. Parker, each for a term of six years.	Bertie County.
Bladen—S. S. Hutchinson, J. Neal Clark, Henry Beatty, each for a term of four years. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Bladen County and the terms of the members of said board be and the same are hereby repealed.	Bladen County.
Brunswick—R. T. Woodside, for a term of six years; and John L. Stone, for a term of four years.	Brunswick County.
Buncombe—Dr. B. E. Morgan, Dr. A. O. Mooneyham, John M. James, R. C. Torian, Glen West.	Buncombe County.
Burke—George D. Carpenter, Marshall S. Arney, Carroll L. Yount, Lester H. McNeeley, C. P. Whisenant.	Burke County.
Cabarrus—Boyd Biggers, for a term of six years.	Cabarrus County.
Caldwell—Dr. J. F. Reece, E. L. Steele, Melvin H. Jones, John A. Frazier, Davis Tuttle.	Caldwell County.
Camden—W. I. Sawyer, B. H. Cartwright, William W. Forehand.	Camden County.

- Carteret County. Carteret—Dr. L. W. Moore, Dennis Mason, each for a term of six years.
- Caswell County. Caswell—O. A. Powell, for a term of six years.
- Catawba County. Catawba—E. M. Yoder, Richard C. Boyde, John F. Carpenter, R. A. Sigmon, J. C. Howard, G. W. Mann.
- Chatham County. Chatham—
- Cherokee County. Cherokee—B. B. Palmer, Noah Hembree, Lawson Lunsford.
- Chowan County. Chowan—T. Stillman Leary, R. H. Hollowell, Lloyd Briggs, R. Clyde Privott, T. Wallace Jones.
- Clay County. Clay—Frank Moore, for a term of six years.
- Cleveland County. Cleveland—C. D. Forney, B. Austell, R. L. Plonk, A. L. Calton, W. H. Lutz.
- Columbus County. Columbus—A. L. Griffin, R. J. Lamb, R. R. Hinson, E. W. Fonvielle, F. B. Gault.
- Craven County. Craven—C. A. Seifert, Fred Whitehurst, J. L. Peterson, R. L. Sermons, J. H. West, Sr., Larry Pate, R. R. King.
- Cumberland County. Cumberland—W. T. Reaves, I. B. Julian, W. C. Averitte, E. U. Breece, each for a term of six years.
- Currituck County. Currituck—E. W. Addison, Carl P. White, I. T. Corbell. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Currituck County and the terms of the members of said board be and the same are hereby repealed.
- Dare County. Dare—R. E. Burrus, for a term of six years; E. P. White, W. M. Jolliff.
- Davidson County. Davidson—Roy Lohr, Baxter Carter, each for a term of four years.
- Davie County. Davie—T. C. Pegram, Mrs. Nannie R. Hayes, G. N. Ward.
- Duplin County. Duplin—Robert M. Carr, for a term of six years.
- Durham County. Durham—C. C. Council, E. S. Booth, T. O. Sorrell, E. L. Tilley, Clifton Ball.
- Edgecombe County. Edgecombe—W. W. Green, S. R. Jenkins, each for a term of six years; M. P. Edwards, George C. Phillips, each for a term of four years; R. C. Brown.
- Forsyth County. Forsyth—Frank A. Stith, L. A. Reynolds, Smith Hagaman.
- Franklin County. Franklin—Paul W. Elam, Mrs. T. H. Dickens, each for a term of six years.

- Gaston—M. A. Stroup, J. Milton Craig, F. A. Whiteside, W. J. Pharr, L. D. Gribble, E. H. Rhyne. Gaston County.
- Gates—Mrs. Marion Nixon, for a term of six years; R. E. Williams, for a term of four years; H. F. Parker. Gates County.
- Graham—Roy B. Millsaps, for a term of six years; Patton Phillips for a term of four years; W. D. Walker. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Graham County and the terms of the members of said board be and the same are hereby repealed. Graham County.
- Granville—Dr. R. L. Noblin, for a term of six years. Granville County.
- Greene—Ed S. Taylor, A. C. Oakes, W. J. Carraway, W. H. Graves, C. K. Grantham. Greene County.
- Guilford—Z. L. Whitaker, for a term of six years. Guilford County.
- Halifax—R. C. Rives, Charles L. Kelly, Mrs. R. C. Josey, Jr., Mrs. J. T. Thomason, Thomas Moss. Halifax County.
- Harnett—Dr. Glen L. Hooper, Fred S. Thomas, Sidney G. Thomas. Harnett County.
- Haywood—John Best, for a term of six years. Haywood County.
- Henderson—B. B. Massagee, for a term of six years. Henderson County.
- Hertford—George Underwood, R. C. Mason, T. N. Charles. Hertford County.
- Hoke—A. W. Wood, W. M. Monroe, Carl Riley, A. D. McPhaul, D. B. McFayden. Hoke County.
- Hyde—N. Forest Sears, Geo. M. Cuthrell, J. W. Miller. Hyde County.
- Iredell—C. D. Stevenson, C. H. Knox, S. H. Houston, W. C. Thompson, L. A. Pope, J. S. Dobson, D. E. Hayes, each for a term of four years. Iredell County.
- Jackson—C. E. Smith, John Hooper, J. Hutt Middleton, John B. Deitz, D. H. Stephens, each for a term of four years. Jackson County.
- Johnston—W. H. Call for a term of six years; Conrad H. Parker, for a term of four years. Johnston County.
- Jones—Herbert Tyndall, for a term of six years. Jones County.
- Lee—D. E. Shaw, for a term of six years. Lee County.
- Lenoir—Horace L. Sutton, R. S. Parker, E. C. Taylor, W. B. Becton, F. P. White. Lenoir County.
- Lincoln—Dr. W. G. Bandy, Deck Hager, Dorsey Rhyne, T. A. Warlick, A. A. Beam, each for a term of four years. Lincoln County.
- Macon—C. G. Moore, J. E. Cabe, E. B. Byrd, J. R. Phillips, Frank Browning. Macon County.

- Madison County. Madison—W. T. Moore, E. Y. Ponder, J. Clyde Brown, each for a term of four years.
- Martin County. Martin—J. D. Woolard, H. C. Norman, each for a term of six years.
- McDowell County. McDowell—J. C. Goforth, for a term of six years.
- Mecklenburg County. Mecklenburg—W. B. McClintock, B. D. Funderburk, each for a term of six years; R. G. Eubanks, W. E. Potts, each for a term of four years; J. Mason Smith.
- Mitchell County. Mitchell—Zeb V. Hall, for a term of six years.
- Montgomery County. Montgomery—E. R. Wallace, for a term of six years.
- Moore County. Moore—J. W. Graham, D. D. McCrimmon, J. F. Taylor, L. B. McKeithan, F. D. Farrell.
- Nash County. Nash—G. L. Jones, J. W. Roberson, G. E. Beal.
- New Hanover County. New Hanover—Dr. J. T. Hoggard, J. C. Roe, L. T. Landen, Mrs. C. L. Meister, Emsley A. Laney, James S. Craig, Jr.
- Northampton County. Northampton—Dr. John Wesley Parker, Jr., J. R. Woodard, J. G. Madry, Dr. C. G. Parker, J. F. Bradley, J. A. Shaw, W. Harry Stephenson.
- Onslow County. Onslow—R. E. Williams, Sr., Graham Jones, Dr. W. T. Turlington, Ivey Rawls, W. L. P. Jarman.
- Orange County. Orange—James Compton, C. W. Stanford, K. S. Cate.
- Pamlico County. Pamlico—P. C. Spruill, J. A. Tingle, Jr., M. D. Powers, J. V. Brinson, M. D. Potter.
- Pasquotank County. Pasquotank—Jarvis M. Scott, Dennis S. Morgan, V. B. Morgan, each for a term of four years; J. H. Bright, Buxton White.
- Pender County. Pender—T. J. Henry, Charles R. Rogers, D. J. Farrior, Jr.
- Perquimans County. Perquimans—T. S. White, Carrol Ward, each for a term of four years.
- Person County. Person—W. R. Wilkerson, E. E. Bradsher, R. G. Cole, B. G. Crumpton, C. T. Hall.
- Pitt County. Pitt—W. H. Woolard, John T. Thorne, R. L. Little.
- Polk County. Polk—James P. Egerton, Dan Ledbetter, S. L. Feagan, John N. Williams, Gus Miller.
- Randolph County. Randolph—J. A. Martin, C. M. Kennedy, Dr. J. W. Jordan, each for a term of six years; L. F. Ross, D. J. Boyles, each for a term of four years.
- Richmond County. Richmond—James W. McKenzie, for a term of six years.

Robeson—A. B. McRae, W. H. Humphrey, Dr. L. J. Moore, Isham Pittman, L. E. Hughes. Robeson County.

Rockingham—J. L. Roberts, T. J. Garrett, E. S. Powell, C. P. Wall, L. W. Matthews. Rockingham County.

Rowan—Roy S. Safrit, for a term of six years. Rowan County.

Rutherford—J. Harvey Carpenter, for a term of six years. Rutherford County.

Sampson—B. E. Jackson, W. E. Peterson, John C. Warren, J. C. Butler, J. Hamp Lewis. Sampson County.

Scotland—W. G. Shaw, Jr. Scotland County.

Stanly—C. B. Miller, A. L. Efrd, each for a term of six years; A. D. McNeil, for a term of four years; Claud Teeter. Stanly County.

Stokes—Dr. G. E. Stone, for a term of six years; J. Van Tuttle, for a term of four years; P. O. Frye. Stokes County.

Surry—C. A. McNeill, G. W. Scott, P. N. Taylor, G. C. Hauser, W. T. White. Surry County.

Swain—S. W. Black, R. E. Breedlove, George Redmond. Swain County.

Transylvania—T. E. Reed, Dewey Winchester, Mrs. J. K. Mills. Transylvania County.

Tyrrell—Ellis R. Davenport, B. Frank Alexander, Robert L. Spencer. Tyrrell County.

Union—B. Ward Laney, W. H. Collins, R. P. Stegall, H. G. Hawfield, J. M. Edwards. Union County.

Vance—H. A. Dennis, M. T. Greenway, J. J. White, each for a term of six years. Vance County.

Wake—Dr. J. P. Hunter, for a term of six years; John A. Park, for a term of four years. Wake County.

Warren—District Number one—J. E. Rooker, Jr.; District Number two—J. J. Nicholson; District Number three—Harry W. Walker; District Number four—Romeo Powell; District Number five—A. S. Bugg. Warren County.

Washington—Louis E. Hassell, P. M. Arps, Paul Belanga. All laws and clauses of laws heretofore enacted with respect to the appointment of the Board of Education of Washington County and the terms of the members of said board be and the same are hereby repealed. Washington County.

Watauga—J. B. Horton, Collis Greene, Clyde Perry, Raleigh Cottrell, Dr. W. A. Deaton. Watauga County.

Wayne—J. D. Hines, for a term of six years; Mrs. C. W. Ivey for a term of four years. Wayne County.

Wilkes County.	Wilkes—R. R. Church, for a term of six years.
Wilson County.	Wilson—A. D. Williams, S. E. High, each for a term of six years.
Yadkin County.	Yadkin—Paul P. Davis, C. C. Wallace, O. E. Boles.
Yancey County.	Yancey—Alphonso P. Honeycutt, Wilson S. Edwards, Welzie Robinson.

Qualification of members.

SEC. 2. The members of the several county boards of education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-three, and shall, unless otherwise herein provided, hold office for a term of two years from and after the first Monday in April, one thousand nine hundred and forty-three, and until their successors are elected and qualified, and, together with the members of the board of education of the several counties whose terms will not expire on the first Monday in April, one thousand nine hundred and forty-three, shall constitute the board of education of the respective counties.

Terms.

Compensation.

SEC. 3. That the per diem and mileage of not exceeding five members of the county board of education of the several counties of the State shall be borne out of the State School Fund; for and number in excess of five, out of the county school fund.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 537

CHAPTER 512

AN ACT TO REDUCE THE TERM OF OFFICE OF THE JUDGE OF RECORDER'S COURT OF BRUNSWICK COUNTY FROM FOUR TO TWO YEARS, TO FIX THE SALARY OF THE SAID JUDGE AND TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

*The General Assembly of North Carolina do enact:*

Ch. 327, Public-Local Laws, 1939, repealed.

SECTION 1. That Chapter three hundred and twenty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby repealed.

Term of office of present Judge of Recorder's Court of Brunswick County.

SEC. 2. That the Judge of the Recorder's Court of Brunswick County now holding that office shall serve in that capacity until the first Monday in December, one thousand nine hundred and forty-six, or until his successor is elected and qualified.

SEC. 3. That at the general election to be held in the year one thousand nine hundred and forty-six, and biennially thereafter, there shall be elected in Brunswick County by the qualified voters thereof a judge of the county recorder's court who shall serve for a term of two years from the first Monday in December after his election, or until his successor is elected and qualified.

Judge of Recorder's Court to be elected in 1946 and biennially thereafter.

SEC. 4. That the salary of the said judge of the said recorder's court shall not be less than fifty dollars (\$50.00), per month, nor more than one hundred dollars (\$100.00), per month, in the discretion of the Board of County Commissioners of Brunswick County: Provided, the provisions of this section shall not apply to the salary of the present recorder.

Salary of Judge.

This section not applicable to present recorder.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 542

CHAPTER 513

AN ACT TO AUTHORIZE THE GOVERNOR AND SECRETARY OF STATE TO EXECUTE A DEED RECONVEYING REAL ESTATE ERRONEOUSLY CONVEYED TO STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL BY J. T. KENNEDY.

WHEREAS, a certain deed was executed by J. T. Kennedy to Stonewall Jackson Manual Training and Industrial School conveying certain real property; and

Preamble:  
Deed from J. T. Kennedy to Stonewall Jackson Manual Training and Industrial School for certain lands.

WHEREAS, there was by mutual mistake and inadvertence included in said deed part of a certain tract of land containing approximately five and one tenth acres and known as the George L. Phifer right of way; and

Certain land included in deed by mutual mistake.

WHEREAS, it is desired that Stonewall Jackson Manual Training and Industrial School reconvey that portion of said property erroneously conveyed to it to its rightful owner, J. T. Kennedy; and

School desires to reconvey to Kennedy property erroneously conveyed.

WHEREAS, it is just and proper that said tract of land be conveyed to the said J. T. Kennedy: Now, therefore,

Proper to make such conveyance.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Governor and Council of State are hereby authorized and empowered to investigate the circumstances surrounding said conveyance and if they find that said property was erroneously and by mutual mistake and error conveyed to

Governor and Council of State authorized to investigate said conveyance.

Reconveyance to Kennedy authorized, upon certain findings.

Stonewall Jackson Manual Training and Industrial School by the said J. T. Kennedy, and further find that said property should be reconveyed to him, the Governor and Secretary of State are hereby authorized and empowered to execute a sufficient deed reconveying said property to the said J. T. Kennedy, his heirs, administrators, representatives or assigns.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 557

### CHAPTER 514

AN ACT TO AMEND SECTION NINE HUNDRED AND THIRTY-FOUR OF THE CONSOLIDATED STATUTES, PROVIDING FOR APPOINTMENT OF TWO ASSISTANT CLERKS OF THE SUPERIOR COURT OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 934 amended.

SECTION 1. That Section nine hundred and thirty-four of the Consolidated Statutes be, and the same is hereby, amended by striking out all of the present Subsection (a) and inserting in lieu thereof a new subsection to be designated as Subsection nine hundred and thirty-four (a).

Appointment of assistant clerks of Superior Court.

"934 (a). That each clerk of the Superior Court, by and with the written consent and approval of the Superior Court judge, resident in said district, may appoint one or more assistant clerks, not to exceed a total of two, who, before entering upon their duties, shall take and subscribe the oath prescribed for clerks: Provided, that no more than two such assistants shall be in office in any county at one time. Upon complying with the provisions of this article such assistant or assistants shall be as fully authorized and empowered to perform all the duties and functions of the office of the clerk of the Superior Court as the clerk himself, and all the acts, orders and judgments of such assistants shall be entitled to the same faith and credit as those of such clerk. Such assistant shall be subject in all respects to all laws which apply to the clerks. The several clerks of the Superior Court shall be held responsible for the acts of their assistants, and the official bonds of such clerks as now provided by law shall be written to and shall cover the acts of their assistants: Provided, that when and where the appointment of any assistant clerks under the provisions of this Act shall make for an addition in the number of personnel in the clerk's office, the approval of the board of county commissioners shall be obtained."

No more than 2 per county.

Powers and duties of assistant C. S. C.

C. S. C. and his bond responsible for acts of assistant.

Approval of Board of County Commissioners in certain instances.

SEC. 2. That this Act shall apply only to New Hanover County. Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 564

CHAPTER 515

AN ACT TO AMEND CHAPTER THREE HUNDRED AND TWENTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO SALARIES IN CERTAIN COUNTY OFFICES, TO PROVIDE DISCRETIONARY POWER IN THE BOARD OF COUNTY COMMISSIONERS TO REGULATE THE SALARIES OF THE DEPUTY CLERK OF THE SUPERIOR COURT AND THE DEPUTY REGISTER OF DEEDS OF IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section two of Chapter three hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and nineteen is hereby amended to read as follows: Sec. 2, Ch. 322, Public-Local Laws, 1919, amended.

"SEC. 2. The Clerk of the Superior Court of Iredell County shall appoint competent deputy clerks who shall be paid such salary as the board of county commissioners, in its discretion, shall deem just and proper, to be payable in equal monthly installments by the county treasurer. The clerk shall have power to remove such deputies and to appoint others in their stead." C. S. C. of Iredell County to appoint deputies.  
Compensation of deputies.  
Power to remove deputies.

SEC. 2. Section three of Chapter three hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and nineteen is hereby amended to read as follows: Sec. 3, Ch. 322, Public-Local Laws, 1919, amended.

"SEC. 3. The Register of Deeds of Iredell County shall be allowed such sum as the board of county commissioners, in its discretion, shall deem just and proper, for the purpose of employing a deputy register of deeds and such other clerical assistants as may be necessary in the discharge of the duties of his office." Allowance to Register of Deeds for deputy and clerical help.

SEC. 3. Section five of Chapter three hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and nineteen is hereby amended by changing the words "by each officer" in the sixth line thereof to read "by the sheriff." Sec. 5, Ch. 322, Public-Local Laws, 1919, amended.

SEC. 4. This Act shall apply to Iredell County only. Application of Act.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 623

CHAPTER 516

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN PUBLIC-LOCAL LAWS OF NORTH CAROLINA SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

Ch. 307, Public-Local Laws, 1941, amended.

SECTION 1. Chapter three hundred and seven of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by adding a new section to the revision of the Charlotte Firemen's Retirement Fund Association as therein provided, which new section shall read as follows:

Participation by employees of City of Charlotte in N. C. Local Governmental Employees Retirement System.

"SEC. 31 (a). If at any time the City of Charlotte shall elect to have its employees become eligible to participate in the North Carolina Local Governmental Employees Retirement System, the board of trustees of Charlotte Firemen's Retirement Fund Association is authorized to institute an action in the Superior Court of Mecklenburg County for the purpose of determining the manner, method and extent to which, if at all, the Charlotte Firemen's Retirement Fund Association and its property and assets shall be transferred to or merged with the North Carolina Local Governmental Employees Retirement System, as well as the manner, method and extent to which, if at all, the present and future liabilities and obligations of the Charlotte Firemen's Retirement Fund Association shall be taken care of and the manner, method and extent to which, if at all, the Charlotte Firemen's Retirement Fund Association shall be discontinued and the members of the Charlotte Fire Department relieved of the obligation to make future contributions thereto. It is the purpose and intent of this Act to vest in the Superior Court of Mecklenburg County full power and authority to make any and all orders which it may find just and equitable in order to meet the situation which will be created if, as above stated, the City of Charlotte becomes a member and elects to have its employees become eligible to participate in the North Carolina Local Governmental Employees Retirement System. There shall be made as parties defendant to such action one or more persons of each class of persons having interest in the said association or its funds, or entitled to benefits thereunder, to represent the interests of their classes."

Civil action as to disposition of Charlotte Firemen's Retirement Fund Association.

Purpose of Act.

Defendants in said civil action.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 659

## CHAPTER 517

### AN ACT TO REQUIRE THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO CONVEY CERTAIN PROPERTY LOCATED IN THE VILLAGE OF SHAWBORO TO A BOARD OF TRUSTEES FOR PUBLIC PURPOSES.

WHEREAS, the Board of Education of Currituck County has heretofore acquired a tract of land located in the village of Shawboro and containing three acres, more or less; and

Preamble:  
Certain land in village of Shawboro acquired by Board of Education of Currituck County.

WHEREAS, said property was originally acquired by the board of education of said county for the purpose of placing a school building thereon; and

For placing school thereon.

WHEREAS, a school building has never been placed on said property and said property is not now used or likely to be used in the future for school purposes; and

School never erected.

WHEREAS, it is desirable that said property be used for public purposes other than school purposes; and

Use for other public purposes.

WHEREAS, it is necessary and proper that a board of trustees be named to receive title to said property and hold the same in trust for such public purposes as may be determined by said board of trustees: Now, therefore,

Board of trustees to hold title to said property necessary.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Education of Currituck County be, and it is hereby, ordered, directed, and empowered to make, execute, and deliver to the board of trustees hereinafter named, within sixty days after the ratification of this Act, a deed which shall convey that certain tract or lot of land situated in the village of Shawboro in Currituck County, containing three acres, more or less, which property is now owned by the Board of Education of Currituck County.

Board of Education authorized to convey said land to board of trustees herein named.

SEC. 2. That said property, when so conveyed, shall be used for such public purposes as may be determined by said board of trustees.

To be used for public purposes.

SEC. 3. That Mrs. W. C. Flora, Mrs. C. E. Ballance, Mrs. J. P. Morgan, Mrs. Walter Midgett, and Mrs. Lyle Forbes be, and they are hereby, appointed as trustees for the purpose of taking title to the property hereinbefore referred to and managing, operating, and controlling same as Shawboro Community Center until such time as said board of trustees shall determine that said property be used for a public purpose other than a

Trustees named.

Use of property.



SEC. 2. This Act shall apply to Chatham County only.

Application of  
Act.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 671

### CHAPTER 519

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF ALDERMEN OF THE CITY OF ELIZABETH CITY IN PASQUOTANK COUNTY TO FIX THE SALARIES OF ALL CITY EMPLOYEES IN SUCH AMOUNTS AS SAID BOARD MAY DEEM JUST AND PROPER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the City of Elizabeth City in Pasquotank County be, and it is hereby, authorized and empowered to fix the salaries and compensation of all employees of said city from time to time and in such sums as said board of aldermen may deem fair, just and equitable.

Board of Aldermen of Elizabeth City authorized to fix compensation of City employees.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 679

### CHAPTER 520

AN ACT REGULATING THE SALARIES OF CERTAIN OFFICERS OF WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Clerk of the Superior Court of the County of Wake shall receive a salary at the rate of four thousand and five hundred dollars (\$4,500.00) per annum, payable in equal monthly installments; provided that nothing contained in this Act shall affect the salary received by the Clerk of the Superior Court of Wake County from any other source.

Salary of C. S. C. of Wake County.

SEC. 2. That the Sheriff, the Register of Deeds, the Treasurer, and the Auditor of the County of Wake shall each receive a salary at the rate of four thousand dollars (\$4,000.00) per annum, payable in equal monthly installments in full, for his services as such county officer.

Salaries of Sheriff, Register of Deeds, Treasurer, and Auditor.

SEC. 3. That the Coroner of the County of Wake shall receive a salary at the rate of one thousand and eight hundred dollars

Salary of Coroner.

(\$1,800.00) per annum, payable in equal monthly installments in full, for his services as such officer.

Salary of Assistant C. S. C.

SEC. 4. That the Assistant Clerk, or Assistant Clerks, of the Superior Court of Wake County shall receive a salary at the rate of two thousand and five hundred dollars (\$2,500.00) per annum, payable in equal monthly installments in full, for services as such officer, or officers. That the Chief Deputy Sheriff of the County of Wake shall receive a salary at the rate of two thousand and five hundred dollars (\$2,500.00) per annum, payable in equal monthly installments in full, for his services as such officer.

Salary of Chief Deputy Sheriff.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 6. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-three.

Ratified this the 5th day of March, 1943.

## H. B. 703

## CHAPTER 521

### AN ACT RELATING TO THE TRANSFER OF UNEXPENDED BALANCES TO THE CREDIT OF ANY TAX FUND, AT THE EXPIRATION OF THE FISCAL YEAR, IN TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

Transfer of unexpended balance of certain funds of Transylvania County.

SECTION 1. That the Board of County Commissioners of Transylvania County is hereby authorized to transfer, at the end of the fiscal year, the unexpended balance then to the credit of any fund that has been set up, to the credit of the County General Fund, or to such other fund, as in the judgment of the board of commissioners, may be in greatest need of such unexpended balance: Provided, that no board of county commissioners shall, at any time, transfer the unexpended balance to the credit of the Debt Service Fund to the credit of any other fund or department, but all such unexpended balance shall remain a part of the Debt Service Fund.

Transfer of balance of Debt Service Fund to other funds prohibited.

Cost of assessing, collecting taxes, etc., to be prorated among several funds.

SEC. 2. That hereafter the cost of assessing, listing and collecting the taxes in Transylvania County, and also all errors, insolvents and other uncollectible taxes, shall be prorated among the several funds in order that each separate fund may bear its pro rata portion of the net expenses and losses incident to the several items listed above, and that no single fund may be unduly depleted by charging same with more than its pro rata portion thereof.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 712

CHAPTER 522

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FORTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, AS AMENDED, RELATING TO THE OFFICE OF PURCHASING AGENT, TAX SUPERVISOR AND BOOKKEEPER FOR SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and forty-one of the Public-Local Laws of one thousand nine hundred and twenty-five, as amended by Chapter one hundred and sixty-seven of the Public-Local Laws of one thousand nine hundred and twenty-seven, Chapter one hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirty-five, Chapter seventy-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven, and by House Bill number two hundred and eight, ratified February seventeenth, one thousand nine hundred and forty-three, be amended further in the following particulars, that is to say:

(1) Section one of said chapter be amended by striking out the first two lines of said section and inserting in lieu thereof the following: Sec. 1 amended.

“That the office of Purchasing Agent and Tax Supervisor for Surry County is hereby created; and” Office of Purchasing Agent and Tax Supervisor of Surry County created.

(2) Section two of said chapter be amended by striking out the words, “sheriff or tax collector” in lines three and four and inserting in lieu thereof the words, “county accountant and bookkeeper”; and by striking out after the word, “shall” in line six and before the word, “investigate” in line eight of said section, the following words: Sec. 2 amended.

“make out and prepare for publication all annual statements required by law of the different officers of the county; to”

(3) Section three of said chapter be, and the same hereby is, repealed. Sec. 3 repealed.

(4) Section four of said chapter be, and the same hereby is, repealed. Sec. 4 repealed.

- Sec. 5 amended. (5) Section five of said chapter, except the last sentence thereof, be, and the same hereby is, repealed.
- Sec. 9 rewritten. (6) Section nine of said chapter, as amended, be amended further by rewriting said section to read as follows:
- Appointment of County Accountant and Bookkeeper. "SEC. 9. (a) That on or before the first day of July, one thousand nine hundred and forty-three, the Board of Commissioners of the County of Surry be and they are hereby authorized and empowered to name and appoint some competent person as County Accountant and Bookkeeper for Surry County, whose term of office shall expire two years from the date of such appointment, and whose salary shall be fixed by the board of commissioners of said county at an amount not to exceed three thousand and six hundred dollars (\$3,600.00) per annum, which salary shall be payable monthly from the general funds of said county.
- Term of office. (b) That the said county accountant and bookkeeper shall not hold any other office or position of trust or profit other than that of county accountant and bookkeeper, but his said office shall be independent of all other offices and agencies of the County of Surry; and such accountant and bookkeeper shall give his full time to the work and duties of said office. He shall faithfully audit the books of all offices and agencies of said county, including the offices of all tax collectors created by law or by the county commissioners, the office of the clerk of the Superior Court, the office of the register of deeds, the office of treasurer, or acting treasurer, of the county, the office of superintendent of schools, the office of tax supervisor and purchasing agent and any other offices and agencies of the county when instructed so to do by the county commissioners. It shall be the duty of said county accountant and bookkeeper to keep a strict account and a faithful record of all audits made by him, and he shall render to the Board of Commissioners of the County of Surry a monthly report, in which shall be set forth and exhibited a statement of all receipts and disbursements of all agencies of said county and offices thereof for the thirty (30) days next preceding the date of his report, which report shall be made and filed on the first Monday in each month.
- Salary. (c) That the said county accountant and bookkeeper shall require all necessary reports from all officers and agents of the county, and shall have access to all records and books of account kept by any such officer or agent, to the end that the same may be examined and audited. The said accountant and bookkeeper shall make an annual report to the board of commissioners showing in detail all receipts and expenditures of county funds, which report shall be published, as the board of commissioners may order, in one issue of one or more newspapers published in said county. That in addition to the duties herein set forth, said
- County Accountant and Bookkeeper to hold no other position.
- Duties.
- Monthly reports.
- Contents of reports.
- Access to all records of all officers and agents of county.
- Annual reports.
- Additional duties.

county accountant shall perform such other duties devolving upon county accountants under Chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and twenty-seven, as amended, the same being the County Fiscal Contract Act.

(d) That no expenditure shall be made by any officer or agent of the county without the approval and endorsement of said county accountant, whose signature in countersigning all checks and vouchers issued by any of the officers or agents of said county shall be required.

Approval of expenditures.

(e) That the board of commissioners shall have the power to remove said officer at any time upon resolution duly adopted by said commissioners.

Removal by Board of Commissioners.

(f) That the said county accountant and bookkeeper shall give such bond in a surety company in such amount and in such form as may be prescribed by said county commissioners and the premium therefor shall be paid by the county from the general fund.

Bond.

(g) That the books of the office of the county accountant and bookkeeper shall be open at all times during business hours for public inspection.

Books open for inspection.

(7) Section eleven, as amended by House Bill number two hundred and eight, ratified the seventeenth day of February, one thousand nine hundred and forty-three, be further amended by rewriting said section to read as follows:

Sec. 11 rewritten.

"SEC. 11. That the present person performing the duties of purchasing agent, Tax Supervisor and Bookkeeper for Surry County shall continue to perform said duties until the first day of July, one thousand nine hundred and forty-three, at which time he shall turn over to the county accountant and Bookkeeper as provided in Section nine of this chapter all books, papers and effects pertaining to the duties of bookkeeper as may be in his possession or under his control. After said date such person shall continue to hold the office of Purchasing Agent and Tax Supervisor for Surry County until the first Monday in December, one thousand nine hundred and forty-four, when said office shall be filled by the appointment of a Purchasing Agent and Tax Supervisor by the Board of County Commissioners of Surry County, who shall hold office for a term of two years, and said office shall be filled by appointment by said board of county commissioners each two years thereafter; provided, if the present officer shall die, resign, or be removed from office, his successor shall be appointed by the said Board of County Commissioners of Surry County.

Term of office of present purchasing agent, Tax Supervisor and Bookkeeper.

Purchasing Agent and Tax Supervisor to be appointed in 1944.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after the first day of July, one thousand nine hundred and forty-three.

Ratified this the 5th day of March, 1943.

H. B. 716

CHAPTER 523

AN ACT TO AMEND SECTION NINE HUNDRED AND FIFTY-SIX OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AS AMENDED, RELATING TO ANNUAL REPORTS MADE BY CLERKS OF THE SUPERIOR COURTS.

*The General Assembly of North Carolina do enact:*

C. S. 956  
amended.

SECTION 1. Section nine hundred and fifty-six of the Consolidated Statutes of North Carolina, as amended, is hereby further amended by adding another proviso at the end of said section, said added proviso to read as follows:

Annual report  
by C. S. C. of  
Wake County not  
required in cer-  
tain instances.

“Provided, further, that in the event the accounts of the Clerk of the Superior Court of Wake County are audited at least once each year by a certified public accountant, and the report and audit made by said certified public accountant are approved by the clerk and accepted by the Board of County Commissioners of Wake County, the annual report required by this section shall not be required of the clerk of the Superior Court of said county.”

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 717

CHAPTER 524

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO APPOINT A SPECIAL HUMANE OFFICER FOR THE PURPOSE OF ENFORCING LAWS FOR THE PREVENTION OF CRUELTY TO ANIMALS.

*The General Assembly of North Carolina do enact:*

Special humane  
officers for City  
of Raleigh.

SECTION 1. The governing body of the City of Raleigh is hereby authorized to appoint one or more special humane officers for the purpose of enforcing the provisions of laws relating to the prevention of cruelty to animals. Any such officer so appointed shall have the power of police officers, deputy sheriffs and constables to arrest any person charged with or found to

Power of officers.

be violating any law for the prevention of cruelty to animals, and may arrest without warrant any person found violating in his presence any provision of any law for the prevention of cruelty to animals.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 720

### CHAPTER 525

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE SO AS TO EXEMPT THE COUNTY OF CATAWBA AND THE MUNICIPALITIES THEREIN FROM THE REFERENDUM PROVISION OF THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine A (9A) of Chapter three hundred and fifty-seven (357) of the Public Laws of one thousand nine hundred and forty-one (1941) is hereby amended by striking out the period at the end of the section and inserting in lieu thereof a colon and by adding the following:

“Provided further that this section shall not apply to the County of Catawba and the municipalities located therein.”

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 730

### CHAPTER 526

AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF EAST SPENCER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That at the general municipal election held in the Town of East Spencer in the year one thousand nine hundred and forty-three and every two years thereafter there

Sec. 9A, Ch. 357, Public Laws, 1941, amended to exempt Catawba County and municipalities therein from referendum provision of N. C. Local Governmental Employees' Retirement System.

Conflicting laws repealed.

Mayor of Town of East Spencer to be elected in 1943 and biennially thereafter.

Aldermen to be elected in 1943 and biennially thereafter.

shall be elected in the Town of East Spencer by the qualified voters thereof a mayor who shall serve for a term of two years, beginning on July first after his election and until his successor is elected and qualified. Also at the general municipal election held in the Town of East Spencer in the year one thousand nine hundred and forty-three and every two years thereafter there shall be elected in the Town of East Spencer by the qualified voters thereof four aldermen who shall serve for a term of two years, beginning on July first after their election and until their successors are elected and qualified. The mayor and members of the board of aldermen shall be sworn into office at the meeting on the day that their terms begin.

Term of Mayor and Aldermen elected in 1941 extended until July 1, 1943.

SEC. 2. The term of office of the mayor and four members of the Board of Aldermen of the Town of East Spencer who were elected in the general municipal election, held in the year one thousand nine hundred and forty-one, shall be extended until July first, one thousand nine hundred and forty-three, or until their successors are elected and are qualified.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

## H. B. 734

## CHAPTER 527

AN ACT TO AMEND SECTION SIX THOUSAND ONE HUNDRED AND TWENTY-SIX (a) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA BY EXTENDING ITS PROVISIONS TO CRAVEN COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 6126(a), relative to distribution of funds from sale of forest lands, amended to apply to Craven County.

SECTION 1. That Section six thousand one hundred and twenty-six (a) of the Consolidated Statutes of North Carolina be and the same hereby is amended by inserting the word "Craven" after the word "Burke" and before the word "Haywood" in line four of said section.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

H. B. 741

## CHAPTER 528

## AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR THE ANDREWS CITY ADMINISTRATIVE SCHOOL UNIT IN CHEROKEE COUNTY.

WHEREAS, all public schools in Valleytown Township, in Cherokee County, have heretofore been combined by the State School Commission into one administrative school unit, known as the Andrews City Administrative Unit; and

WHEREAS, it is necessary and proper that a board of trustees be appointed for said city administrative unit: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Trustees of the Andrews City Administrative Unit shall be composed of six members whose terms shall begin the first Monday in April, one thousand nine hundred and forty-three, and said board of trustees is hereby vested with all the authority, rights, powers and duties which are now, or may hereafter be, granted to city administrative units, under the general school laws of North Carolina.

SEC. 2. That H. M. Whitaker, J. H. Christy, W. C. Morrow, L. B. Nichols, W. A. Puett, and W. R. Dockery be, and they are hereby, appointed trustees of the Andrews City Administrative Unit for a term of two years from and after the first Monday in April, one thousand nine hundred and forty-three. The said trustees shall meet and organize on the said first Monday in April, one thousand nine hundred and forty-three, or as soon thereafter as possible, and shall proceed to perform the duties now vested in trustees for city administrative units. All vacancies occurring on said board of trustees by reason of death, resignation, or failure to qualify under this Act during said term shall be filled by the State Board of Education.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

Preamble:

Public schools in Valleytown Township, Cherokee County, combined into Andrews City Administrative Unit.

Board of trustees for said Unit necessary.

Membership of board.

Terms.

Powers and duties.

Trustees appointed.

Trustees to meet and organize.

Vacancies.

Conflicting laws repealed.

H. B. 809

## CHAPTER 529

AN ACT TO AMEND HOUSE BILL NUMBER FOUR HUNDRED AND FORTY-SIX, RELATING TO THE SALARIES AND DUTIES OF PUBLIC OFFICERS IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 5, H. B. No. 446 (Ch. 314, Session Laws, 1943), rewritten.

SECTION 1. That Section five of House Bill number four hundred and forty-six, enacted in law by the one thousand nine hundred and forty-third session of the General Assembly, be, and the same is hereby, amended by striking out all of Section five of said House Bill number four hundred and forty-six and rewriting said Section five to read as follows:

Sec. 10, Ch. 5, Public-Local Laws, 1937, amended.

“SEC. 5. That Section ten of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended by adding in line three after the word “officers” the following: ‘and tax collectors.’ ”

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 11

## CHAPTER 530

AN ACT TO MAKE APPROPRIATIONS FOR THE MAINTENANCE OF THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

## GENERAL FUND

Biennial appropriations.

SECTION 1. That appropriations out of the General Fund of the State for the maintenance of the State's departments, bureaus, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-four and June thirtieth, one thousand nine hundred and forty-five respectively, according to the following schedule:

Legislative.

## I. LEGISLATIVE

	1943-44	1944-45
1. General Assembly (Session of 1945)	\$.....	\$200,000

## II. JUDICIAL

	1943-44	1944-45	Judicial.
1. Supreme Court—Justices .....	\$ 63,350	\$ 63,350	
2. Supreme Court—Departmental Expense..	36,243	35,049	
3. Supreme Court—Printing Reports and Reprints .....	16,000	16,000	
4. Superior Courts—Judges .....	258,230	258,230	
5. Superior Courts—Solicitors .....	105,000	105,000	

## III. EXECUTIVE AND ADMINISTRATIVE

			Executive and Administrative.
1. Governor's Office:			
(1) Governor's Office .....	\$ 34,151	\$ 33,707	
(2) The Budget Bureau .....	36,297	40,991	
(3) Division of Purchase and Contract ...	32,932	32,266	
(Transfers may be made to and/or from Titles III-1-(1), (2), and (3) by the Governor in his discretion)			
2. Secretary of State .....	33,280	33,667	
3. State Auditor .....	58,424	56,766	
4. State Treasurer .....	57,403	55,663	
5. Department of Justice:			
(1) Attorney General .....	42,021	39,623	
(2) Bureau of Investigation .....	55,743	54,549	
6. Department of Revenue .....	797,814	773,060	
7. Department of Tax Research .....	37,598	40,359	
8. Department of Public Instruction .....	119,028	115,770	
9. Historical Commission .....	28,307	26,918	
10. State Library .....	12,886	12,393	
11. Library Commission .....	20,308	19,726	
12. Board of Charities and Public Welfare:			
(1) Board of Charities and Public Welfare .....	226,470	217,164	
(2) For use of Eugenics Board .....	1,640	1,625	
13. State Board of Health:			
(1) State Board of Health .....	397,562	391,472	
(2) Laboratory of Hygiene .....	68,387	66,044	
14. Adjutant General .....	175,383	69,118	
15. Utilities Commission:			
(1) Utilities Commission .....	44,141	44,071	
(2) Public Utilities, Bus and Railroad Freight Rates Investigations .....	25,000	24,760	
16. Insurance Department .....	68,264	67,146	
17. Department of Labor:			
(1) Department of Labor .....	137,045	128,285	
(2) Board of Boiler Rules .....	1,680	1,118	
(3) Industrial Commission .....	101,074	98,286	

	1943-44	1944-45
18. Department of Conservation and Development:		
(1) Department of Conservation and Development .....	\$380,258	\$360,571
(2) Commercial Fisheries .....	20,676	19,838
(3) Game and Inland Fisheries .....	100,000	100,000
19. State Board of Elections .....	10,520	11,485
20. Local Government Commission .....	29,532	28,726
21. Department of Agriculture—		
Weights and Measures .....	28,400	27,452
22. Board of Public Buildings and Grounds ...	146,625	140,382
23. State Board of Alcoholic Control .....	55,507	54,301
24. State Commission for the Blind .....	65,844	62,064
25. Rural Electrification Authority .....	12,996	12,738

Educational  
Institutions.

IV. EDUCATIONAL INSTITUTIONS

1. University of North Carolina (Consolidated) .....	\$2,034,459	\$1,891,527
(The appropriations under Title IV-1 include the University at Chapel Hill and State College of Agriculture and Engineering and North Carolina College for Women as formerly designated and known)		
2. Experiment Station—State College ...	187,080	175,083
3. Coöperative Agricultural Extension— State College .....	280,365	231,032
4. East Carolina Teachers College .....	182,897	180,793
5. Negro Agricultural and Technical College .....	93,105	85,083
6. Western Carolina Teachers College ...	108,100	102,310
7. Appalachian State Teachers College...	159,138	142,840
8. Pembroke State College for Indians...	45,540	43,458
9. Winston-Salem Teachers College (Colored) .....	57,486	52,618
10. Elizabeth City State Teachers College (Colored) .....	37,822	34,076
11. Fayetteville State Teachers College (Colored) .....	54,560	52,380
12. North Carolina College for Negroes...	181,491	177,189
13. North Carolina School for the Deaf ...	171,251	164,548
14. State School for the Blind and the Deaf:		
(1) State School for the Blind and the Deaf .....	175,952	164,605
(2) Blind Student Aid .....	2,400	2,400

## V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

	1943-44	1944-45	Charitable and correctional insti- tutions.
1. State Hospital at Raleigh .....	\$788,311	\$698,838	
2. State Hospital at Morganton .....	809,564	756,929	
3. State Hospital at Goldsboro .....	415,260	396,099	
4. Caswell Training School .....	211,578	200,899	
5. North Carolina Orthopedic Hospital .....	142,112	134,810	
6. North Carolina Sanatorium:			
(1) North Carolina Sanatorium .....	259,797	241,250	
(2) Extension Bureau .....	27,802	27,046	
(3) Western North Carolina Sanatorium .....	156,471	146,814	
(4) Eastern North Carolina Sanatorium .....	121,382	105,160	
7. Stonewall Jackson Training School .....	145,463	139,948	
8. State Home and Industrial School for Girls .....	75,905	70,956	
9. Morrison Training School (Colored) .....	69,990	65,030	
10. Eastern Carolina Training School .....	44,881	44,001	
11. State Industrial Farm Colony for Women .....	27,677	26,651	
12. Confederate Cemetery .....	350	350	
13. Confederate Women's Home .....	14,059	13,079	
14. Oxford Orphanage .....	35,000	35,000	
14a. Junior Order Orphanage .....	10,000	10,000	
15. Oxford Colored Orphanage .....	33,000	33,000	
16. Pythian Orphanage .....	5,000	5,000	

(The appropriations under Titles V-14, 14a, 15, and 16 are to institutions not owned by the State, and are grants in aid).

## VI. STATE AID AND OBLIGATIONS

			State aid and obligations.
1. Retirement Teachers and State Employees:			
(1) Administration .....	\$ 47,400	\$ 45,960	
(2) State's Contribution .....	2,215,022	2,215,022	
2. Board of Charities and Public Welfare:			
(1) Care Dependent Children .....	10,000	10,000	
(2) Old Age Assistance .....	1,300,000	1,300,000	
(3) Aid to Dependent Children .....	525,000	525,000	
(4) Aid to County Welfare Administration .....	150,000	150,000	
3. Board of Health for Orthopedic Clinics .....	6,000	6,000	
4. Industrial Rehabilitation .....	10,000	10,000	
5. Fugitives from Justice .....	2,850	2,850	

6. Indemnity diseased Slaughtered Livestock:	1943-44	1944-45
(1) Tuberculosis and Glanders .....	\$ 400	\$ 400
(2) Bangs Disease .....	6,000	5,000
7. Landscrip Fund .....	7,500	7,500
8. Firemen's Relief .....	1,750	1,750
9. Bennett Memorial .....	50	50
10. Confederate Museum .....	200	200
11. Blind Aid .....	129,149	144,609
12. Department of Agriculture:		
(1) Japanese Beetle Control .....	12,500	12,500
(2) White Fringed Beetle Control .....	5,000	5,000
(3) Credit Union .....	4,365	4,058
(4) Marketing .....	25,000	25,000
(5) State Museum .....	11,862	11,382
13. State Aid to Public Libraries .....	125,000	125,000
14. Merit System Council .....	21,470	19,562
15. Council of National Defense .....	63,791	62,818
16. War Bonus (to be allocated) .....	78,516	39,258

Pensions.

VII. PENSIONS

1. Confederate Veterans and Widows .....	\$196,150	\$186,325
2. Olivia B. Grimes .....	600	600
3. Annie Burgin Craig .....	1,200	1,200
4. Mrs. C. B. Aycock, Sr. ....	1,200	1,200
5. Mrs. W. W. Kitchin .....	1,200	1,200

Contingency and Emergency.

VIII. CONTINGENCY AND EMERGENCY

Purpose stated.

1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made, or for which inadvertently an insufficient appropriation has been made hereunder. Allotments to be made from this appropriation under the provision of Section thirteen of Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine, or of Chapter two hundred and seven of the Public Laws of one thousand nine hundred and twenty-five, or of such other statute as may be applicable .....	\$750,000	\$750,000
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Public Schools.

IX. PUBLIC SCHOOLS

1. Support of Eight-Months Term Public Schools .....	\$33,608,029	\$32,644,241
(The appropriations under Title IX-1, Support of Eight-Months Term Public Schools, include		

money necessary for the school year 1943-44 and for the first half of the school year 1944-45 to be used only for teachers' and other school employees' War Bonus)

	1943-44	1944-45
2. State Board of Education .....	\$ 82,762	\$ 80,446
3. Vocational Education .....	919,055	850,119
4. Purchase of Free Textbooks .....	200,000	200,000
5. Vocational Textile School .....	5,900	5,630
6. Purchase of School Busses .....	650,000	650,000

X. DEBT SERVICE  
(General Fund)

Debt service,  
General Fund.

1. Interest on Bonds .....	\$2,097,017	\$2,020,914
2. Sinking Fund Installments .....	271,320	271,320
3. Redemption of Bonds .....	2,865,000	2,904,000

AGRICULTURE FUND

Agriculture Fund.

SEC. 2. That appropriations out of the Agriculture Fund of the State for maintenance of agricultural activities are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-four and June thirtieth, one thousand nine hundred and forty-five, respectively, according to the following schedule:

XI. AGRICULTURE

Department of  
Agriculture.

1. Department of Agriculture .....	\$621,831	\$609,758
2. State Fair		

(The appropriations under Title XI-1 may be increased under authorization by the Director of the Budget as realized receipts of the Agriculture Fund may justify. The State Fair under Title XI-2 may be operated within its own receipts in the discretion of the State Board of Agriculture).

Increase in ap-  
propriations.

State Fair.

HIGHWAY AND PUBLIC WORKS FUND

Highway and  
Public Works  
Fund.

SEC. 3. That appropriations out of the Highway and Public Works Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June thirtieth, one thousand nine hundred and forty-four and June thirtieth, one thousand nine hundred and forty-five, respectively, according to the following schedule:

Highway and  
Public Works.

## XII. HIGHWAY AND PUBLIC WORKS

	1943-44	1944-45
1. Highway and Public Works		
Commission-Administration .....	\$ 175,000	\$ 175,000
2. Motor Vehicle Bureau .....	458,000	458,000
3. Highway Patrol, Drivers Licenses and Safety Promotion .....	963,348	979,908
4. Maintenance of State Highways:		
(1) Regular Maintenance .....	4,000,000	4,000,000
5. Maintenance and/or Construction County Highways:		
(1) Current Maintenance and Construction .....	7,500,000	7,500,000
6. Betterments State and County Roads:		
(1) General Betterments .....	1,000,000	2,000,000
(2) Retirements .....	1,000,000	1,000,000
7. Construction State and County Highways:		
(1) Current Construction .....	600,000	600,000
8. Maintenance of Highway in Cities and Towns .....	1,000,000	1,000,000
9. Probation Commission .....	91,380	91,380
10. Parole Commission .....	82,700	82,700
11. Bus Investigation .....	27,202	27,202
12. Contribution to Retirement System ...	175,000	175,000

Debt service,  
Highway Fund.

## XIII. DEBT SERVICE (HIGHWAY FUND)

1. Interest on Bonds .....	\$2,641,022	\$2,434,458
2. Sinking Fund Installments .....	500,000	500,000
3. Redemption of Bonds .....	4,799,000	4,800,000

Transfers or  
changes.

(Transfers or changes may be made to and/or from Titles XII-4, 5, 6 and 7 under authorization by the Director of the Budget: Provided, no item shall be reduced more than fifteen per cent (15%) ).

Reduction  
limited.Appropriations  
not to exceed  
Highway Fund  
revenue.

## Survey ordered.

Reduction in  
event of deficiency.

(It is the intent and purpose of the General Assembly that the appropriations herein provided shall not exceed the available revenue of the State Highway Fund, and to this end the Director of the Budget shall cause a careful survey to be made of highway revenues; and if it shall appear at the end of the first year of the biennium that there is not a reasonable assurance of sufficient highway revenue available for the second year of the biennium to provide for the items covered in this Appropriation Bill, the Director of the Budget shall reduce the appropriations of items covered by Titles XII-four, five, six and seven, in such amounts as will insure the balancing of the highway budget by the end of the biennium).

(Provided, in the event the receipts and/or increments to the Highway Fund shall be more than the appropriations herein made, such excess may be made available by the Director of the Budget for expenditures either in the current or next succeeding year under Titles XII-four, five and six).

Disposition of surplus.

(Provided further, that preference shall be given what is commonly known as secondary roads in the expenditure of any such increased appropriations).

Preference to secondary roads.

(Provided, however, that it is the intent and purpose of the General Assembly that the State Highway and Public Works Commission shall give preference in the expenditure of the items of construction and State and county betterments for the extension and improvements of the public roads and bridge facilities of those sections of the State that have not heretofore been accorded equal opportunities in the development of the highway system, to the end that all sections of the State may, in so far as possible, be provided with benefits of an improved highway system).

Preference for certain sections of State.

(The appropriations to the Motor Vehicle Bureau, Highway Patrol, and Drivers' License Law include sixteen thousand dollars (\$16,000.00) for each year, to be transferred or paid to the Department of Revenue for general administration and supervision).

Appropriations to Motor Vehicle Bureau, etc., payable to Revenue Department.

(The appropriation under Title XII-seven-(1) for construction of State and county highways is for the purpose of matching Federal aid appropriations for construction of highways, provided, however, that in the event the Federal appropriations are not available the Director of the Budget may authorize the expenditure of the appropriation for construction of highways).

Purpose of appropriation under Title XII-seven-(1).

(The appropriations made herein to Titles XII-four and five, include twenty-five thousand dollars (\$25,000.00) for each year, to be transferred or paid to the State Hospital at Raleigh, and include eighteen thousand dollars (\$18,000.00) for each year to be transferred or paid to the State Hospital at Goldsboro for care, custody, and treatment of the criminally insane, and include twenty-one thousand and nine hundred dollars (\$21,900.00) for each year to be transferred or paid to the North Carolina Sanatorium for care, custody, and treatment of the prisoners who have tuberculosis).

Appropriations for care of criminally insane.

Appropriation for treatment of tubercular prisoners.

SEC. 4. That fees or compensation to be paid to members of boards or commissions for attendance out of or under the appropriations made in Sections one, two and three of this Act shall be fixed at rates per diem as shown in the following schedule:

Per diem and travel expenses for certain board and commission members.

Advisory Budget Commission, seven dollars (\$7.00) and necessary travel expenses.

State Board of Education, seven dollars (\$7.00) and necessary travel expenses.

Highway and Public Works Commission, seven dollars (\$7.00) and necessary travel expenses.

State Board of Alcoholic Control, seven dollars (\$7.00) and necessary travel expenses.

State Board of Agriculture, seven dollars (\$7.00) and necessary travel expenses.

State Board of Health, seven dollars (\$7.00) and necessary travel expenses.

State Board of Elections, seven dollars (\$7.00) and necessary travel expense.

All other boards and commissions, including those governing the institutions, but not including such as its members are now serving without compensation, three dollars and fifty cents (\$3.50) per day and five cents (5¢) per mile of travel going and returning and necessary travel expenses.

Appropriations herein made in lieu of appropriations under Revenue Act.

SEC. 5. That appropriations provided in this Act shall be in lieu of all appropriations or allowances for the Alcoholic Beverage Control Board, the Department of Revenue, or any other board, bureau or agency of the State by the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine as amended, except the appropriation to the Department of Revenue made by Section seven hundred and sixteen of the Revenue Act, Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine for administration of the Intangible Personal Property Tax Schedule.

Exception.

General Provisions.

#### GENERAL PROVISIONS

Restriction on travel expenses.

SEC. 6. That allowances out of or under the appropriations made in Sections one, two, and three of this Act for travel expenses cover only ordinary field travel and occasional travel in connection with the work of the department, institution, or agency, and shall be so limited, unless provision is made through a travel authorization by the Director of the Budget for out of State travel. Allowances covering only actual expenses, shall not be made in excess of the following:

Schedule of expense allowances.

For subsistence—hotel and meals—five dollars (\$5.00) per day; for out of State, when authorized, six dollars and fifty cents (\$6.50) per day; for transportation, using personally owned automobiles, five cents (5¢) per mile of travel.

SEC. 7. That all insurance and all official, fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be liquidated by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

Insurance and bonds.

#### SPECIAL PROVISIONS

SEC. 8. That the cost of all audits made by the State Auditor of the books and accounts of the State Highway and Public Works Commission under Section twenty-four of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, which cost is hereby fixed at two thousand and five hundred dollars (\$2,500.00) for each year, shall be paid out of the funds of the State Highway and Public Works Commission. Such audits shall be made by the State Auditor and members of his staff.

Special Provisions.

Costs of audits of State Highway and Public Works Commission.

SEC. 9. That in the event the Governor finds that on account of the conditions created by National Defense projects an increase in personnel of the State Highway Patrol is necessary, he is authorized to increase the State Highway Patrol not exceeding twenty-five additional members and to provide for the expense thereof by an increase in the appropriation under Title XII, Subtitle three.

Increase in Highway Patrol appropriation in certain instances.

SEC. 10. That all receipts under Article XIV of Chapter eighty-four of the Consolidated Statutes shall be covered into the State Treasury, as now provided by law, and kept as a distinct fund to be styled the "Gasoline and Oil Inspection Fund," and the amounts remaining in such fund at June thirtieth and December thirty-first of each year shall be transferred to the general fund.

Gasoline and Oil Inspection Fund.

SEC. 11. That all expenses of every kind, and including a reasonable charge by the Board of Public Buildings and Grounds for offices occupancy and telephone service, concerning bank examinations by the Banking Department, shall be paid out of fees collected under Section two hundred and twenty-three (f) of the Consolidated Statutes, Volume III.

Miscellaneous expenses.

SEC. 12. That appropriations for Coöperative Agricultural Extension work under Title IV-three, Section one, of this Act are made to meet the State's share of funds provided by the Smith-Lever Act of Congress and to further promote agricultural work.

Coöperative Agricultural Extension work.

SEC. 13. That appropriations made to the North Carolina School for the Deaf under Title IV-thirteen and to the State School for the Blind and the Deaf under Title IV-fourteen-(1), Section one of this Act, include provisions for the cost of clothing and transportation for indigent pupils. The institutions

Use of certain appropriations to schools for deaf and blind.

Reimbursement by counties.

shall be reimbursed for these items by the counties liable therefor under the provisions of Chapter eighty-six of the Public Laws of one thousand nine hundred and twenty-seven.

Availability of appropriations to Oxford Colored Orphanage.

SEC. 14. That appropriations made to the Oxford Colored Orphanage under Title V-fifteen, Section one, of this Act shall be available only if and when the expenditure shall be recommended by the trustees of the institution appointed by the Governor of the State, and the expenditures shall be under the supervision of said trustees.

Appropriations for Old Age Assistance and Aid to Dependent Children.

SEC. 15. That appropriations made to the Board of Charities and Public Welfare for Old Age Assistance under Title VI-two-(2), and for Aid to Dependent Children under Title VI-two-(3) of Section one of this Act are declared to be for such sum which, added to the unexpended balances remaining in the appropriation for the said purposes for the biennium of one thousand nine hundred and forty-one—forty-three at the end of said biennium, shall be equal to the sum of one million and three hundred thousand dollars, for each year of the biennium, for Old Age Assistance, and five hundred and twenty-five thousand dollars, for each year of the biennium, for Aid to Dependent Children.

Allocations to meet contributions under Teachers' and Employees' Retirement Act.

SEC. 16. That the Director of the Budget is authorized, empowered and directed to allocate out of the Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the contributions necessary to be made in order to comply with the Act creating the State Teachers' and State Employees' Retirement System.

War Bonus to teachers and certain other State employees.

SEC. 17. That appropriations made to the departments, institutions, boards, commissions, and public schools under Section one of this Act contain amounts sufficient to provide a War Bonus to public school teachers and other State employees and shall be applied to public school teachers' and other State employees' salaries only as provided in the following schedule:

Schedule.

Annual salaries up to and including \$400.00	.....	\$5.00 per month
Annual salaries from \$401.00 to \$899.00	.....	\$10.00 per month
Annual salaries from \$900.00 to \$1,800.00	.....	\$15.00 per month
Annual salaries from \$1,801.00 to \$2,100.00	.....	\$16.00 per month
Annual salaries from \$2,101.00 to \$2,400.00	.....	\$18.00 per month
Annual salaries from \$2,401.00 to \$2,700.00	.....	\$20.00 per month
Annual salaries from \$2,701.00 to \$3,600.00	.....	\$22.00 per month
Annual salaries from \$3,601.00 to \$4,500.00	.....	\$24.00 per month

Temporary employees and certain others not entitled to bonus.

This bonus shall not apply to persons employed on a part time or temporary basis in departments, institutions, agencies, public schools, or to persons employed in institutional summer schools. Deductions shall not be made from this War Bonus under the provisions of Chapter twenty-five of one thousand

nine hundred and forty-one "Teachers' and State Employees' Retirement System Act," Section eight, Subsection (1), Subsection (a) and Subsection (5), Subsection (1) Subsection (a).

This bonus shall not apply to operations performed solely for the Army or Navy, or other organizations or operations solely for profit, except the cost be provided by the sponsors or out of increased receipts. Special funds operated out of Federal or private funds may secure the benefits of the War Bonus plan, provided funds are furnished by the sponsor. The funds appropriated to the departments, institutions, boards, agencies and public schools for the employees' War Bonus shall not be used for any other purpose.

Bonus not applicable to operations performed solely for Army or Navy, and certain others.

War Bonus funds not to be used for other purpose.

The Director of the Budget is authorized, empowered and directed to allocate out of Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the War Bonus in accordance with the schedule contained herein and for the period specified.

Allocation of funds to meet War Bonus.

The appropriations provided in this Act for employees' War Bonuses are for the fiscal year one thousand nine hundred and forty-three—forty-four and for the first half of the fiscal year one thousand nine hundred and forty-four—forty-five until December thirty-first, one thousand nine hundred and forty-four.

Period covered by War Bonus appropriations.

Provided, that public school teachers and other public school employees and teachers and other employees of other educational institutions paid by the State shall receive the same amount of bonus annually or semiannually as other State employees in the same salary brackets, such bonus payments for teachers and other school employees to be paid in installments apportioned to the salaries or wages of such teachers and other school employees in accordance with the methods of payment regularly employed in the payment of such salaries or wages.

War Bonus for teachers and certain others.

Method of appointment of bonus to salaries of teachers and other school employees.

Provided further, that a regular teacher or other regular State employee who works less than the full period for which said bonus is prescribed shall receive only such proportionate part of said bonus as the period of service of such teacher or other employee is of the total period for which said bonus is prescribed.

Proration of bonus for work less than prescribed period.

SEC. 17½. That the appropriations provided in Section one, Title VI, Subtitle sixteen of this Act for War Bonus is to be allocated by the Director of the Budget to State Departments and Institutions to provide for the War Bonus as provided in the War Bonus Schedule in this Act.

Allocation of War Bonus appropriation.

SEC. 18. That receipts of the North Carolina Industrial Commission collected under Section seventy-three, Subsection (j)

Certain receipts of Industrial Commission to be deposited in General Fund.

Appropriation for Industrial Commission.

of Chapter one hundred and twenty of one thousand nine hundred and twenty-nine heretofore credited as allotment deposits to the appropriation account of the North Carolina Industrial Commission, shall be collected as previously, but shall be deposited to the credit of the State Treasurer as General Fund revenue. In lieu of these receipts from the tax on self-insurers, which the Industrial Commission has expended, sufficient appropriation out of General Fund Revenue to operate the commission shall be provided. It is the intent of the General Assembly to remove the uncertainty from the operations of the commission and to stabilize on a definite appropriation basis.

Appropriation to Industrial Commission for occupational disease work, etc., transferred to Board of Health.

SEC. 18½. Whereas the appropriation heretofore made to the Industrial Commission for carrying out the provisions of the Workmen's Compensation Act as pertaining to occupational disease work or industrial hygiene work has been transferred to the State Board of Health because of Federal grants of funds, and since the responsibility for this work remains in the Industrial Commission, the following requirements of the Board of Health—Industrial Hygiene Division are enacted:

Occupational disease work assigned to Industrial Hygiene Division of Board of Health.

That the Industrial Hygiene Division of the State Board of Health is required to carry out all the provisions of the Workmen's Compensation Act as to occupational disease work under the direction and supervision of the Industrial Commission. After all occupational disease work has been completed as may be required by the Industrial Commission, the Board of Health may use the services of the Industrial Hygiene Division for any other work as may be found to be expedient and necessary.

Additional work of said Division.

Restriction on use of appropriations to Department of Conservation and Development—Game and Inland Fisheries.

SEC. 19. That appropriations made to the Department of Conservation and Development—Game and Inland Fisheries, under Title III-eighteen-(3), Section one of this Act shall not be available for expenditure until receipts of the Game and Inland Fisheries Divisions of the Department of Conservation and Development shall have been reduced to a level insufficient to maintain enforcement of the Game and Inland Fisheries laws. This appropriation shall not be used for any purpose other than to maintain enforcement of these laws after other promotional and research activities have been eliminated. It is the intent and purpose of the General Assembly that this appropriation shall be used to supplement the receipts of the Game and Inland Fisheries Divisions to maintain enforcement of Game and Inland Fisheries laws after the other functions of these divisions have been discontinued, and only if it shall appear that the State shall lose the value of what has been accomplished in game and fish propagation and protection, if protection work is not supplemented.

Purpose of appropriation.

Appropriations for purchase of school busses permanent.

SEC. 20. That appropriations made for the purchase of public school busses under Title IX-6 shall be permanent appropriations, not reverting to the General Fund at the end of the biennium

one thousand nine hundred and forty-three—forty-five. These appropriations shall be transferred to a reserve account at the end of each fiscal year of the biennium and shall be held, along with any other funds that may hereafter be appropriated for the purchase of public school busses, until such time as it is possible to replace the school busses which are rapidly being worn out. It is the intent to provide a reserve out of the normal appropriations for the replacement of school busses.

Not to revert to General Fund.

To be transferred to reserve account.

SEC. 20½. That the Director of the Budget and the Advisory Budget Commission shall survey the needs of State institutions, if their functions have been suspended and their physical properties taken over temporarily by the Federal Government for National Defense training, with a view of curtailing or eliminating expenditures out of State appropriations. It is the intent of the General Assembly that these institutions concerned shall have sufficient appropriations to adequately provide for performing the purposes for which they are established. Further, it is the intent that appropriations shall not be expended if and when the institutions have ceased to perform the functions, except to maintain and preserve State property.

Survey of State institutions.

Purpose of survey.

Intent of General Assembly as to appropriations for State institutions.

#### EFFECTIVE

SEC. 21. That the provisions of the Executive Budget Act, Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine, the provisions of the Personnel Act, Chapter two hundred and seventy-seven, Public Laws of one thousand nine hundred and thirty-one, and Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-three are reenacted and shall remain in full force and effect.

Budget Act and certain other laws continued in force.

The Director of the Budget shall reduce all appropriations provided for in this Act, when necessary to prevent a deficit for the fiscal period for which said appropriation is made; and, in so doing, he shall give preference to the charitable and eleemosynary institutions of the State.

Reductions by Budget Director to prevent deficit.

Preferences.

SEC. 22. That if any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of this Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

Partial invalidity section.

SEC. 23. This Act shall be in full force and effect after its ratification.

Ratified this the 5th day of March, 1943.

## S. B. 12

## CHAPTER 531

AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE STATE'S DEPARTMENTS, BUREAUS, INSTITUTIONS, AND AGENCIES, AND FOR THE SPECIFIC PURPOSE OF PROVIDING A WAR BONUS FOR PUBLIC SCHOOL TEACHERS AND OTHER STATE EMPLOYEES.

*The General Assembly of North Carolina do enact:*

## GENERAL FUND

Supplemental appropriation for War Bonus for teachers and other State employees.

SECTION 1. That supplemental appropriations out of the General Fund of the State for the State's departments, bureaus, institutions, and agencies, and for the specific purpose of providing a War Bonus for public school teachers and other State employees, are hereby made for the fiscal year ending June thirtieth, one thousand nine hundred and forty-three, according to the following schedule:

Judicial.

## II. JUDICIAL

1942-43

1. Supreme Court—Departmental Expenses .....\$ 1,197

Executive and Administrative.

## III. EXECUTIVE AND ADMINISTRATIVE

1. Governor's Office:  
 (1) Governor's Office .....\$ 444  
 (2) The Budget Bureau ..... 806  
 (3) Division of Purchase and Contract ..... 666  
 2. Secretary of State ..... 708  
 3. State Auditor ..... 1,958  
 4. State Treasurer ..... 1,740  
 5. Department of Justice:  
 (1) Attorney General ..... 944  
 (2) Bureau of Investigation ..... 1,194  
 6. Department of Revenue ..... 29,754  
 7. Department of Tax Research ..... 1,362  
 8. Department of Public Instruction ..... 3,258  
 9. Historical Commission ..... 894  
 10. State Library ..... 468  
 11. Library Commission ..... 612  
 12. Board of Charities and Public Welfare:  
 (1) Board of Charities and Public Welfare ..... 9,456  
 (2) For use of Eugenics Board ..... 90  
 13. State Board of Health:  
 (1) State Board of Health ..... 6,090  
 (2) Laboratory of Hygiene ..... 3,028  
 14. Adjutant General ..... 522  
 15. Utilities Commission:  
 (1) Utilities Commission ..... 1,770

	1942-43
(2) Public Utilities, Bus and Railroad Freight Rate Investigations .....	\$ 240
16. Insurance Department .....	2,658
17. Department of Labor:	
(1) Department of Labor .....	7,950
(2) Board of Boiler Rules .....	90
(3) Industrial Commission .....	3,174
18. Department of Conservation and Development:	
(1) Department of Conservation and Development .....	13,632
(2) Commercial Fisheries .....	1,338
19. State Board of Elections .....	135
20. Local Government Commission .....	806
21. Department of Agriculture:	
(1) Weights and Measures .....	948
(2) Credit Unions .....	282
22. Board of Public Buildings and Grounds:	
(1) Buildings and Grounds .....	4,547
(2) Governor's Mansion .....	780
23. State Board of Alcoholic Control .....	1,206
24. State Commission for the Blind .....	3,780
25. Rural Electrification Authority .....	258

## IV. EDUCATIONAL INSTITUTIONS

Educational  
Institutions.

1. University of North Carolina (Consolidated) .....	\$143,406
2. Experiment Station—State College .....	31,997
3. Coöperative Agricultural Extension—State College .....	49,333
4. East Carolina Teachers College .....	14,286
5. Negro Agricultural and Technical College .....	8,022
6. Western Carolina Teachers College .....	5,790
7. Appalachian State Teachers College .....	11,298
8. Pembroke State College for Indians .....	2,082
9. Winston-Salem Teachers College (Colored) .....	4,368
10. Elizabeth City State Teachers College (Colored) .....	3,672
11. Fayetteville State Teachers College (Colored) .....	4,365
12. North Carolina College for Negroes .....	5,978
13. North Carolina School for the Deaf .....	7,333
14. State School for the Blind and the Deaf .....	9,522

## V. CHARITABLE AND CORRECTIONAL INSTITUTIONS

Charitable and  
correctional  
institutions.

1. State Hospital at Raleigh .....	\$ 30,468
2. State Hospital at Morganton .....	40,800
3. State Hospital at Goldsboro .....	19,308
4. Caswell Training School .....	7,548
5. North Carolina Orthopedic Hospital .....	5,832
6. North Carolina Sanatorium:	
(1) North Carolina Sanatorium .....	14,334
(2) Extension Bureau .....	756
(3) Western North Carolina Sanatorium .....	8,742
(4) Eastern North Carolina Sanatorium .....	6,222

	1942-43
7. Stonewall Jackson Training School .....	\$ 4,098
8. State Home and Industrial School for Girls .....	3,510
9. Morrison Training School (Colored) .....	2,310
10. Eastern Carolina Training School .....	1,440
11. State Industrial Farm Colony for Women .....	960
12. Confederate Women's Home .....	480

State aid and obligations.

VI. STATE AID AND OBLIGATIONS

1. Retirement Teachers and State Employees:	
(1) Administration .....	\$ 1,440
2. Blind Aid .....	540
3. Merit System Council .....	1,908
4. Council of National Defense .....	973
5. War Bonus (to be allocated) .....	39,258

Public Schools.

IX. PUBLIC SCHOOLS

1. Support of Eight-Months Term Public Schools	
Total Required .....	\$2,078,975
Less: Amount included in Title IX-1 of Chapter 107 of 1941 and available for this purpose which is hereby reappropriated for provisions of this Act .....	990,971
Net .....	\$1,088,004
2. Vocational Education .....	3,936
3. Adult Education .....	192
4. State School Commission .....	1,891

Agriculture Fund.

AGRICULTURE FUND

SEC. 2. That supplemental appropriations out of the Agriculture Fund of the State, for the specific purpose of providing a War Bonus for employees, are hereby made for the fiscal year ending June thirtieth, one thousand nine hundred and forty-three, according to the following schedule:

1. Department of Agriculture .....	\$ 14,124
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Department of Agriculture.

General Provisions.

GENERAL PROVISIONS

War Bonus to teachers and certain other State employees.

SEC. 3. That appropriations made to the departments, institutions, boards, commissions, and public schools under Sections one and two of this Act are for the specific purpose of providing a War Bonus for public school teachers and other State employees, and shall be applied to public school teachers' and other State employees' salaries only as provided in the following schedule:

Schedule.

Annual Salaries up to and including \$400 .....	\$ 5.00 per month
Annual Salaries from \$401 to \$899 .....	10.00 per month
Annual Salaries from \$900 to \$1,800 .....	15.00 per month

Annual Salaries from \$1,801 to \$2,100 .....	\$16.00 per month
Annual Salaries from \$2,101 to \$2,400 .....	18.00 per month
Annual Salaries from \$2,401 to \$2,700 .....	20.00 per month
Annual Salaries from \$2,701 to \$3,600 .....	22.00 per month
Annual Salaries from \$3,601 to \$4,500 .....	24.00 per month

This bonus shall not apply to persons employed on a part time or temporary basis in departments, institutions, agencies, public schools, or to persons employed in institutional summer schools. Deductions shall not be made from this War Bonus under the provisions of Chapter twenty-five of one thousand nine hundred and forty-one "Teachers' and State Employees' Retirement System Act," Section eight, Subsection (1), Subsection (a) and Subsection (5), Subsection (1), Subsection (a).

Temporary employees and certain others not entitled to bonus.

This bonus shall not apply to operations performed solely for the Army or Navy or any other organizations except the cost be provided by the sponsors. Special funds operated out of Federal or private funds may secure the benefits of the War Bonus plan, provided funds are furnished by the sponsor. The funds appropriated to the departments, institutions, boards, agencies and public schools for the employees' War Bonus shall not be used for any other purpose.

Bonus not applicable to operations performed solely for Army and Navy, and certain others.

War Bonus funds not to be used for other purpose.

This War Bonus shall be applied to the salaries of public school teachers for the last half of the public school year of one thousand nine hundred and forty-two—forty-three and applied to salaries of other State employees beginning January first, one thousand nine hundred and forty-three.

Period for which War Bonus applicable.

Provided, that public school teachers and other public school employees and teachers and other employees of other educational institutions paid by the State shall receive the same amount of bonus for the said half school year as other State employees in the same salary brackets for the said fiscal period, such bonus payments for teachers and other school employees to be paid in installments apportioned to the salaries or wages of such teachers and other school employees in accordance with the methods of payment regularly employed in the payment of such salaries or wages.

War Bonus for teachers and certain others.

Method of apportionment of bonus to salaries of teachers and other school employees.

Provided further, that a regular teacher or other regular State employee who works less than the full period for which said bonus is prescribed shall receive only such proportionate part of said bonus as the period of service of such teacher or other employee is of the total period for which said bonus is prescribed.

Proration of bonus for work less than prescribed period.

The Director of the Budget is authorized, empowered and directed to allocate out of Highway and Public Works Fund, the Agriculture Fund, and other special operating funds employing personnel, the amount sufficient to meet the War Bonus in accordance with the schedule contained herein.

Allocation of funds to meet War Bonus.

Reduction in appropriation for eight-months school term.

Amount of reduction reappropriated for War Bonus.

Use of appropriation for Vocational Education.

Allocation of War Bonus appropriation.

Certain judgments based on summons designated alias or pluries but not actually such, not invalidated thereby.

Act not applicable in certain cases.

SEC. 4. That appropriation for the support of the Eight-Months Term Public Schools as carried under Title IX-1 of Section one of Chapter one hundred and seven of one thousand nine hundred and forty-one is hereby reduced by the amount of nine hundred ninety thousand nine hundred and seventy-one dollars (\$990,971.00) provided for the Support of the Public Schools and this amount of nine hundred ninety thousand nine hundred and seventy-one dollars (\$990,971.00) is hereby reappropriated for the purpose of being applied to the War Bonus provided under this Act for public school teachers.

SEC. 5. That the appropriation now made to the Division of Vocational Education under Chapter one hundred and seven of the one thousand nine hundred and forty-one General Assembly for the current year may be used as follows:

(1) Any of said appropriation not otherwise committed may be used to reimburse counties and other administrative units toward the payment of war bonuses for teachers of vocational subjects on the same basis as other teachers are paid, and in the same ratio that administrative units are reimbursed on salaries of teachers.

SEC. 6. That the appropriation provided in Section one, Title VI, Subtitle five of this Act for War Bonus is to be allocated by the Director of the Budget to State departments and institutions to provide for the War Bonus as provided in the War Bonus Schedule in this Act.

SEC. 7. This Act shall be in full force and effect after its ratification.

Ratified this the 5th day of March, 1943.

S. B. 107

## CHAPTER 532

AN ACT VALIDATING SUMMONS DESIGNATED ALIAS OR PLURIES SUMMONS, THOUGH NOT ACTUALLY SUCH, ON WHICH JUDGMENTS OR OTHER FINAL DECREES HAVE BEEN ENTERED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all civil actions and special proceedings where the defendants were served with summons and judgment thereafter entered, or any final decree made, the said judgments or decrees shall not be invalidated by reason of the fact that the summons, although designated an alias or pluries summons, was not actually such. Provided, that this Act shall not apply where the first summons was issued more than five years preceding the ratification of this Act.

SEC. 2. This Act shall not apply to any pending litigation where this matter is in issue.

Pending litigation not affected.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 160

### CHAPTER 533

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-ONE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, ENTITLED "AN ACT RELATING TO THE SALE OF CERTAIN LAND BY THE CITY OF HIGH POINT."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and fifty one of the Public-Local and Private Laws of one thousand nine hundred and forty-one be and the same is hereby amended to read as follows:

Ch. 251, Public-Local and Private Laws, 1941, rewritten.

"SECTION 1. That the City of High Point is hereby authorized to accept a deed or quitclaim deed in lieu of payment of taxes or street paving assessments; provided, there is no mortgage, deed of trust or judgment against such property, unless the holder of such mortgage, deed of trust or judgment releases the land from the lien of such mortgage, deed of trust or judgment.

City of High Point authorized to accept deed in lieu of payment of taxes or assessments in certain instances.

"SEC. 2. That in addition to the powers of sale which the City of High Point now has under its charter and under Sections two thousand six hundred and eighty-eight and two thousand six hundred and ninety of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, all real property acquired by the City of High Point by tax and street assessment foreclosure proceedings and by voluntary deed or quitclaim deed by persons in settlement of tax or street assessment liens thereon, or in lieu of payment of taxes or street assessment, may be sold at public auction to the highest bidder for cash or upon such terms as may be fixed by the city council, after advertisement in a newspaper published in the City of High Point once a week for two successive weeks, the sale date not to be more than fifteen (15) days after the first newspaper publication of notice of sale.

Sale of certain real property by City.

Manner of sale.

"SEC. 3. That any personal property owned by the City of High Point not exceeding five hundred dollars (\$500.00) in

Sale of personal property.

value at the time of sale may be sold or exchanged by the city manager, privately, without advertisement. Personal property having a value in excess of five hundred dollars (\$500.00) may be sold only at public sale after advertisement as prescribed in Section two of this Act.

Sale of condemned buildings.

“SEC. 4. That where any building on land owned by the City of High Point has been condemned by the building inspector of the city as unfit for human habitation such building may be sold by the city manager, privately, without advertisement.

Acceptance of deeds in settlement of tax or paving liens, validated.

“SEC. 5. That the acceptance heretofore made by the City of High Point of voluntary deed or quitclaim deed by persons in settlement of tax or street assessment liens thereon, or in lieu of payment of taxes or street assessment is hereby validated.

Conflicting laws repealed.

“SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

“SEC. 7. That this Act shall be in force and effect from and after its ratification.”

Ratified this the 6th day of March, 1943.

## S. B. 162

## CHAPTER 534

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, SAME BEING “AN ACT TO PROVIDE EDUCATIONAL ADVANTAGES IN STATE INSTITUTIONS TO WORLD WAR ORPHANS.”

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 242, Public Laws, 1937, relating to educational advantages in State institutions for certain World War orphans, amended.

SECTION 1. That Section one of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the words “in any of the State’s Educational Institutions” which appear in line eight of said section and by inserting after the word “tuition” in said line eight, the following: “room and board and all necessary fees required of students and furnished by the State Educational Institution at which such student has matriculated.”

Sec. 2 rewritten to extend benefits of said act to children of certain veterans of World War II.

SEC. 2. That Section two of said Act be amended by striking out all of said section, and by inserting in lieu thereof, the following: “That all of the benefits of the provisions of Chapter two hundred and forty-two of the Public Laws of one thousand nine hundred and thirty-seven and all amendments thereto, shall be extended to and made available for the children of veterans of the armed forces of the United States of America who served between December seventh, one thousand nine

hundred and forty-one, the date of the declaration of war, and the date of the legal termination of said war, wherever the disabilities of said veterans come within the limits of and the provisions of said Act and any amendments thereto.”

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 176

CHAPTER 535

AN ACT TO AMEND THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE SAME BEING CHAPTER THREE HUNDRED AND NINETY OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, BY CHANGING CERTAIN DATES THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and forty-one, be, and the same is hereby, amended as hereinafter provided in this Act; that is to say:

Ch. 390, Public Laws, 1939, amended by changing certain dates.

(1) That Subsection six of Section one of said Act be, and the same is hereby, amended by striking out the words, “forty-one” and substituting in lieu thereof the words, “forty-three.” Sec. 1 amended.

(2) That Section two of said Act be, and the same is hereby, amended by striking out the words “forty-one” before the word “Provided” in the second sentence thereof, and substituting in lieu thereof the words, “forty-three.” Sec. 2 amended.

(3) That Subsection one of Section six of said Act be, and the same is hereby, amended by striking out the words “forty-one” in lines four and eight thereof, and substituting in lieu thereof the words, “forty-three.” Sec. 6 amended.

(4) That Subsection three of Section six of said Act be, and the same is hereby, amended by striking out the words “forty-one” in the second paragraph thereof and substituting in lieu thereof the words, “forty-three.” Sec. 6 further amended.

(5) That Subsection four of Section six be, and the same is hereby, amended by striking out the words “forty-one” in Sec. 6 further amended.

the first sentence thereof and substituting in lieu thereof the words "forty-three."

Sec. 10 amended.

(6) That Paragraph (d) of Subsection three of Section ten be, and the same is hereby, amended by striking out the words "forty-two" in line eleven and substituting in lieu thereof "forty-four."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 182

CHAPTER 536

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, NORTH CAROLINA, SO AS TO PROVIDE FOR THE GENERAL ELECTION OF ELECTIVE MUNICIPAL OFFICIALS.

*The General Assembly of North Carolina do enact:*

Election for officers of Town of Wilson.

SECTION 1. For the purpose of electing a Mayor, a Commissioner for each ward, and a Judge of the Municipal Recorder's Court, all of the Town of Wilson, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, one thousand nine hundred and forty-three, and biennially thereafter, a non-partisan election. The officials so elected shall hold their office until their successors are elected. One commissioner shall be elected by the voters of each ward in said town. The mayor and judge of the municipal recorder's court shall be voted for in each ward. The commissioners shall reside in the ward for which they are elected.

One commissioner elected by voters of each ward.

Other officers voted for in each ward.

Conduct of election.

SEC. 2. That said elections shall be conducted, as far as practicable, in all things and in all details in accordance with the general election laws of the State, unless otherwise provided by this Act, and all general laws of the State of North Carolina, relating to elections, generally, now in force or hereafter enacted, which govern elections, not inconsistent with this Act, shall apply as fully to such elections and the acts and things done thereunder, as to general elections, unless different provision is made in this Act; and all acts made criminal, if committed in connection with a general election shall likewise be criminal, with same punishment when committed on an election held hereunder.

Declaration of candidacy required.

SEC. 3. Any person desiring to become a candidate for election as Mayor, or Judge of the Municipal Recorder's Court, or Commissioner of the Town of Wilson shall on or before twelve

o'clock, noon, of the first Monday in April preceding any election held hereunder file with the town clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the ward in which he or she resides, and at the time of such filing pay to the Town of Wilson a fee equal to one per cent of his salary for the term of his office.

Contents of  
declaration.

Filing fee.

SEC. 4. When the time for filing the declaration for candidacy hereunder has expired the board of town commissioners shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election of each ward for the use of all qualified voters. The names of the opposing candidates, or the candidate, for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said square opposite the name of the person such voter desires to cast the ballot for a cross mark, and no other method of marking the ballot by the voter shall be required. No names of candidates shall be printed on the official ballots than the names of those who in apt time have filed notice of their candidacy. The ballot may contain sufficient explanatory matter to designate the purpose thereof. There shall be voted in the said elections only the official ballots furnished, as herein provided for, and if other ballots be voted they shall not be counted.

Ballots.

SEC. 5. The board of commissioners of said town shall select, at least thirty days before the election provided for in the preceding section, one person for each ward in said town who shall act as registrar of voters of that ward; said board of commissioners shall make publication of the names of the persons so elected at the town hall, or in a newspaper published in said town immediately after such appointment, and shall cause notice to be served upon said person by the chief of police of said town. If any registrar shall die, resign, or neglect to perform his duties, said board of commissioners of the town may appoint another in his place. Said board of commissioners shall provide for said registrars registration books. The registrars, after being duly sworn by some person authorized to administer oaths, to faithfully discharge the duties of registrar as prescribed by law, shall revise the registration books of their wards in such a manner that said books shall show an accurate list of electors previously registered in such ward and still residing therein without requiring such electors to be registered anew unless said board of commissioners shall have ordered and required a new registration as is hereinafter provided; said registrars shall also, between the hours of nine o'clock a. m. and five o'clock p. m. on each day (Sunday excepted) for seven days preceding the day for closing the

Registrars of  
voters.

Publication of  
names of regis-  
trars.

Vacancies among  
registrars.

Duties.

registration books as hereinafter provided, keep open said books for the registration of any new electors residing in such wards and entitled to register whose names have never before been registered in such ward or do not appear in the revised list; that said books shall be open till nine o'clock of each Saturday, during such registration period; that said books shall be closed for registration on the second Saturday before each election under Section four above.

Registration books to be made available for inspection.

Challenges.

Hearing on challenges.

Judges of election.

Duties.

SEC. 6. That on the second Saturday before the election said registration books shall be kept open at the polling place in the ward to the inspection of the electors of the ward, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection the registrar shall enter upon his books opposite the name of any person so objected the word "challenged," and shall appoint a time and place on or before the Monday immediately preceding election day, when he, together with said judges of election, shall hear and decide said objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence. If any person challenged or objected to shall be found not truly qualified, the registrar shall erase his name from the books. The board of town commissioners shall on or before the first Monday in April, immediately preceding such election, appoint two judges of election, who shall be men of good character, able to read and write, at each place of holding such election in said town. The said judges of election shall attend at the places for which they are severally appointed on the day of election, and they, together with the registrar of such ward, after being sworn by some person authorized to administer oaths to conduct the election fairly and impartially according to the Constitution and laws of the State, shall open the polls and superintend the same until the close of the election; they shall keep poll books in which shall be entered the names of every person who shall vote and at the close of the election day they shall certify the same over their proper signatures and deposit them with the said board of town commissioners.

No registration on election day except in certain instances.

Challenges.

Persons entitled to vote.

SEC. 7. No registration shall be allowed on the day of election but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of age of twenty-one years on the day of election, or has for any other reason on that day become entitled to register and vote, he shall be allowed to register and vote. When any person is challenged, the registrar and judges of election shall hear and determine the cause of the challenge under the rules and regulations, prescribed by the general law regulating elections for members of the General Assembly, and all qualified electors who shall have resided for ninety days immediately preceding

an election within the limits of any ward, and not otherwise, shall have the right to vote for such town officers.

SEC. 8. The polls shall be open on the day of the election from seven o'clock a. m. till seven o'clock p. m., and no longer; and such person whose name may be registered shall be entitled to vote. Immediately after any election the registrar and judges of election shall deposit the registration and poll books for the respective wards with the board of town commissioners or its clerk. The board of commissioners shall provide for each ward in said town necessary ballot boxes in which to deposit the ballots and each of said boxes shall have an opening through the lid to admit a single folded ballot, and no more. Said ballot boxes shall be kept by the judges of election for the use of said election precincts respectively, and the said registrar and judge of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and said boxes shall be sealed or securely fastened and not opened until the polls are closed.

Time polls to be open.

Ballot boxes.

SEC. 9. When the election shall have been finished the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ticket, and if there shall be two or more tickets rolled together, or if any ticket shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ticket shall not be numbered in the taking of the ballot, but shall be void, and the said counting of votes shall be continued without adjournment until completed, and the result thereof declared. The registrar and judges of election in each ward shall appoint one of their number to attend the meeting of the board of town canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election in such ward, and the members of the several wards who shall have been so appointed shall attend the meeting of the board of town canvassers in which they shall have been appointed members thereof. The members of the several wards thus appointed shall constitute the board of town canvassers for such election. The board of town canvassers shall meet on the next day after the election at twelve o'clock a. m., at the mayor's office and they shall each take the oath prescribed in the general law governing elections in the State for members of the board of county canvassers. The board of town canvassers at its meeting in the presence of such electors as choose to attend, open and canvass the judicially determine the returns and make abstracts stating the number of votes cast in each ward for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. Said board shall have power and authority

Ballots to be counted.

Certain ballots void.

Board of town canvassers.

Duties.

Powers.

to judicially determine and declare the result of the same, and it shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie upon two opposing candidates the result shall be determined by lot.

Election determined by majority vote.

SEC. 10. The election for each office shall be determined by a majority vote. In the event more than two persons are candidates for the same office and neither receive a majority of the votes cast for such office the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall within forty-eight hours after the result of the election shall have been canvassed and declared demand by writing filed with the town clerk for a second election, which demand must be accompanied by a payment to the Town of Wilson of the sum of twenty-five dollars to the use of said town, and the commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing an officer as between the two high candidates. Only the candidates receiving the largest and second largest vote in the first election shall be voted on in the second election.

Demand for second election.

Fee.

Second election.

Candidates in second election.

Ch. 225, Private Laws, 1921, repealed.

Conflicting laws repealed.

SEC. 11. Chapter two hundred and twenty-five of the Private Laws of one thousand nine hundred and twenty-one are hereby repealed. All laws and clauses of laws inconsistent with this Act are hereby repealed.

SEC. 12. This Act shall be in force from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 211

## CHAPTER 537

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE REGULATION AND INCORPORATION OF NON-PROFIT HOSPITAL SERVICE CORPORATIONS AND TO THE SUPERVISION AND REGULATION OF SUCH CORPORATIONS BY THE STATE COMMISSIONER OF INSURANCE AND THE AUTHORIZATION BY SUCH CORPORATIONS TO PROVIDE FOR MEDICAL SERVICE PLANS.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 338, Public Laws, 1941, rewritten.

SECTION 1. Amend Section one of Chapter three hundred and thirty-eight of the Public Laws of one thousand nine hundred

and forty-one by striking out all of said section and substituting in lieu thereof the following:

SECTION 1. Definition or Scope of Act: Any corporation heretofore or hereafter organized under the general corporation laws of the State of North Carolina for the purpose of maintaining and operating a non-profit hospital and/or medical service plan whereby hospital care and/or medical service may be provided in whole or in part by said corporation or by hospitals and/or physicians participating in such plan, or plans, shall be governed by this Act and shall be exempt from all other provisions of the insurance laws of this State, heretofore enacted, unless specifically designated herein, and no laws hereafter enacted shall apply to them unless they be expressly designated therein.

The term "hospital service plan" as used in this Act includes the contracting for certain fees for, or furnishing of, hospital care, laboratory facilities, X-ray facilities, drugs, appliances, anesthesia, nursing care, operating and obstetrical equipment, accommodations and/or any and all other services authorized or permitted to be furnished by a hospital under the laws of the State of North Carolina and approved by the North Carolina Hospital Association and/or the American Medical Association.

The term "medical service plan" as used in this Act includes the contracting for the payment of fees toward, or furnishing of, medical, obstetrical, surgical and/or any other professional services authorized or permitted to be furnished by a duly licensed physician.

The term "hospital service corporation" as used in this Act is intended to mean any non-profit corporation operating a hospital and/or medical service plan, as herein defined. Any corporation heretofore or hereafter organized and coming within the provisions of this Act, the certificate of incorporation of which authorizes the operation of either a hospital or medical service plan, or both, may, with the approval of the Insurance Commissioner, issue subscribers contracts or certificates approved by the Insurance Commissioner, for the payment of either hospital or medical fees, or the furnishing of such services, or both, and may enter into contracts with hospitals or physicians, or both, for the furnishing of fees or services respectively under a hospital or medical service plan, or both.

No hospital service corporation within the meaning of this Act shall be converted into a corporation organized for pecuniary profit. Every such corporation shall be maintained and operated for the benefit of its members and subscribers as a coöperative corporation.

Regulation of non-profit hospital and/or medical service corporations.

Application of other laws.

Definitions.

"Hospital service plan."

"Medical service plan."

"Hospital service corporation."

Issuance of contracts to subscribers by such corporations authorized.

Contracts with hospitals and physicians.

Conversion into profit corporation prohibited.

Foreign hospital or medical service corporations prohibited.

No foreign or alien hospital or medical service corporation as herein defined shall be authorized to do business in this State.

Sec. 3 rewritten.

SEC. 2. Amend Section three of said chapter by striking out all of said section and inserting in lieu thereof the following:

Hospital contracts.

Hospital and Physician Contracts: Any corporation organized under the provisions of this Act may enter into contracts for the rendering of hospital service to any of its subscribers by hospitals approved by the American Medical Association and/or the North Carolina Hospital Association, and may enter into contracts for the furnishing of, or the payment in whole or in part for, medical services rendered to any of its subscribers by duly licensed physicians. All obligations arising under contracts issued by such corporations to its subscribers shall be satisfied by payments made directly to the hospital or hospitals and/or physicians rendering such service, unless otherwise authorized by the Insurance Commissioner. Nothing herein shall be construed to discriminate against hospitals conducted by other schools of medical practice.

Direct payments to hospitals or physicians by corporation.

Sec. 5 amended.

SEC. 3. Amend Section five of said chapter by adding after the word "hospital" and before the word "service" in line three thereof the words: "or medical."

Sec. 5 further amended.

Amend Subsection (c) of Section five by adding after the words "participating hospital" in line two and before the word "under" in line three of said subsection a comma and the words: "and/or physicians"; and by adding after the word "hospital" and before the word "service" in line three thereof the words: "and/or medical."

Sec. 6 amended.

SEC. 4. Amend Section six, Subsection (c), by adding after the word "hospital" in line three and before the word "expenses" in line four of said subsection the words: "and medical."

Sec. 8 amended.

SEC. 5. Amend Section eight of said chapter by adding after the word "hospital" in line ten of said section and before the word "bills" in said line the words: "and/or medical."

Sec. 8 further amended.

Amend Section eight by adding after the word "hospital" in line fifteen and before the word "claims" the words: "and/or medical."

Sec. 8 further amended.

Amend Section eight by adding after the word "hospital" in line twenty-three and before the word "claims" the words: "and/or medical."

Sec. 11 amended.

SEC. 6. Amend Section eleven of said chapter by adding after the word "hospital" in line two and before the word "service" the words: "and/or medical."

SEC. 7. Amend Section twelve by adding after the word "examination" in line sixteen thereof and before the word "that" the words: "or otherwise," set off by commas.

Sec. 12 amended.

Amend Section twelve by adding after the word "hospital" in line eighteen of said section and before the word "service" the words: "and/or medical."

Sec. 12 further amended.

Amend Section twelve by replacing the period in line twenty-three with a comma and inserting immediately thereafter the words: "Provided, that where an applicant has already paid the ten (\$10.00) dollar examination fee prescribed in Sub-section three of Section two hundred and eight of the Revenue Act of one thousand nine hundred and thirty-nine, such applicant shall not be required to pay an additional examination fee."

Sec. 12 further amended.

Additional examination fee not required in certain instances.

Amend Section twelve by adding after the word "hospital" in line thirty-one and before the word "service" the words: "and/or medical."

Sec. 12 further amended.

SEC. 8. Amend Section thirteen by striking out the word "effected" in next to the last line of said section and substituting therefor the word: "affected."

Sec. 13 amended.

SEC. 9. Amend Section sixteen by adding after the word "hospitalization" in line sixteen and before the word "and" the words: "or medical service plan."

Sec. 16 amended.

SEC. 10. Amend Section eighteen of said Act by striking out all of said section and substituting in lieu therefor the following:

Sec. 18 rewritten.

SEC. 18. Nothing in this Act shall be construed to affect or apply to hospital or medical service plans which limit their membership to employees and the immediate members of the families of the employees of a single employer and which plans are operated by such employer or such limited group of the employees; nor shall this Act be construed to affect or apply to any non-stock, non-profit medical service association which was, on January first, one thousand nine hundred and forty-three, organized solely for the purpose of, and actually engaged in, the administration of any medical service plan in this State upon contracts and participating agreements with physicians, surgeons, or medical societies, whereby such physicians or surgeons underwrite such plan by contributing their services to members of such association upon agreement with such association as to the schedule of fees to apply and the rate and method of payment by the association from the common fund paid in periodically by the members for medical, surgical and obstetrical care; and such hospital service plans, and such medical service associations as are herein specifically described, are hereby exempt from the provisions of this Act. The Insurance Commissioner may require from any such hospital service plan or medical service association such informa-

Construction of Act as to single employer plans.

Certain non-stock, non-profit associations exempt from this Act.

Commissioner of Insurance may require information.

tion as will enable him to determine whether such hospital service plan or medical service association is exempt from the provisions of this Act."

SEC. 11. That this Act be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 214

## CHAPTER 538

### AN ACT TO PROVIDE FOR THE REGULATION OF AERONAUTICS WITHIN NORTH CAROLINA.

#### DECLARATION OF POLICY

Declaration of policy as to aeronautic industry.

That it is hereby declared to be the policy of the Legislature to foster sound economic conditions for the aeronautic industry; promote adequate, but reasonable, regulation; improve, develop, and preserve a system adapted to the needs of the State; and coördinate our efforts for safety and efficiency of service with the Civil Aeronautics Administration of the Federal Government; and to that end

*The General Assembly of North Carolina do enact:*

Appointment of Commission to study aeronautic industry.

SECTION 1. That on or before July first, one thousand nine hundred and forty-three, the Governor is hereby authorized to appoint a commission of five members to study the aeronautic industry in this State and reports its findings and recommendations to the Governor to be transmitted by him to the next meeting of the General Assembly. The Governor shall designate one member as chairman, and may authorize said board to employ a secretary and such other employees as may be necessary in his discretion.

Commission to hold hearings.

SEC. 2. That it shall be the duty of said commission to meet in the City of Raleigh within thirty days after its appointment for the purpose of organization. The commission shall hold hearings in not less than five localities in the State, two in the coastal area, two in the central and piedmont, and one in the western area. Notice of such hearings shall be published in the State press at least once ten days prior to such hearings, posted at commercial airports in the State, and written notice shall be served upon the Civil Aeronautics Administration of the United States.

Notice of hearings.

Matters to be investigated by commission.

SEC. 3. It shall be the duty of said commission to include in its deliberations a study of airports, landing fields, landing strips (both on land and water), air schools, flying clubs, air beacons and all other air navigation equipment and air transportation facilities and recommend regulations for the control

of such industry and facilities in accordance with the policy herein declared, and fees and charges to defray the expense incident thereto.

SEC. 4. The members of said commission shall serve without pay.

Members to serve without pay.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 233

### CHAPTER 539

AN ACT TO INCORPORATE THE TOWN OF BENSON, DEFINE ITS CORPORATE LIMITS AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE CHARTER OF THE PRESENT TOWN OF BENSON AND ACTS AMENDATORY THERETO, EXCEPT AS PROVIDED HEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the Town of Benson, Johnston County, North Carolina, be and continue as they have heretofore been a body politic and corporate and henceforth the said corporation shall bear the name and style of "Town of Benson," and by the corporate name of "Town of Benson," may purchase and hold for purpose of its government, welfare, and improvement, all such property and estate, real and personal, within or without said town, as may be deemed necessary or convenient therefor, or as may be conveyed, devised or bequeathed to it, and the same may by its town council from time to time sell, dispose of, and reinvest, as shall be deemed advisable by the proper authorities of said corporation.

Town of Benson continued a body politic.

Name.

Powers.

SEC. 2. That the corporate limits of the said town shall be as follows: Begin at a point, the center of the West track of the Atlantic Coast Line Railroad, seven hundred and seventy (770) yards Northeast of a point, the center of Main Street, and the center of the original location of the said track where said Main Street intersects the aforesaid railroad, in the town, and run thence South fifty-two and one fourth degrees East seven hundred and seventy (770) yards to a stake; thence South thirty-seven and three fourths degrees West one thousand five hundred and forty (1,540) yards to a stake; thence North fifty-two and one fourth degrees West one thousand five hundred and forty (1,540) yards to a stake; thence North

Corporate limits.

thirty-seven and three fourths East five hundred and fourteen and one third ( $514\frac{1}{3}$ ) yards to a stake, South edge of Harnett Street; thence North fifty-two and one fourth degrees West three hundred and sixty-five (365) yards to a stake; thence North thirty-seven and three fourths degrees East five hundred and eleven and one third ( $511\frac{1}{3}$ ) yards to a stake; thence South fifty-two and one fourth degrees East three hundred and sixty-five yards to a stake, North edge of Hill Street; thence North thirty-seven and three fourths degrees East five hundred and fourteen and one third ( $514\frac{1}{3}$ ) yards to a stake; thence South fifty-two and one fourth degrees East seven hundred and seventy (770) yards to the beginning.

Biennial elections for mayor and commissioners.

SEC. 3. That there shall be an election for the Town of Benson on Tuesday after the first Monday in May in the year one thousand nine hundred and forty-three, and biennially thereafter, for a mayor and four commissioners of said town, who shall hold their offices for two years or till their successors are elected and have qualified; there shall also be a primary election as follows:

Term of office.

Candidates for offices to be nominated in primaries.

(a) Nomination by primaries. All candidates to be voted for at said election at which time a mayor and commissioners are to be elected as hereinbefore provided, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed.

Time and method of holding primaries.

(b) How primaries held. The primary election shall be held on Tuesday after the first Monday in April preceding the general municipal election. The judges and other officers of election shall be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations as are required for the general election, except that the polls shall open at eight o'clock a. m., and close at six o'clock p. m.

Notice of candidacy.

(c) Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner, shall at least ten days prior to the primary election, file with the town clerk a statement of such candidacy in substantially the following form:

Form of notice.

I, \_\_\_\_\_, hereby give notice that I am a qualified voter and am a resident of the Town of Benson, North Carolina; that I am a candidate for nomination to the office of \_\_\_\_\_, to be voted upon at primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed)\_\_\_\_\_

Each candidate for the office of mayor shall at the same time pay to the clerk, to be turned over to the town treasurer, the sum of ten dollars (\$10.00); candidates for the other elective offices shall pay to the clerk the sum of five dollars (\$5.00).

(d) Publication of names. Immediately upon the expiration of the time for filing the petition of candidates, the town clerk shall post the names of the persons who have qualified to enter said primary election at a public place in the mayor's office or town hall.

(e) Ballots prepared. The clerk shall thereupon cause the primary ballots to be printed, authenticated with his signature or a facsimile of his signature. Upon the ballots the names of the candidates for mayor, arranged alphabetically, shall be placed with a square at the left of each name and immediately below the words "vote for one." Following the names, likewise arranged in alphabetical order shall appear the names of the candidates for commissioners, with a square at the left of each name, and above the names of such candidates shall appear the words "vote for four."

(f) Distribution of ballots. The town clerk shall cause to be delivered at the polling place a sufficient number of the printed ballots equal at least to twice the number of votes cast in the preceding municipal election.

(g) Who qualified to vote. The persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election and shall be subject to challenge, such challenges to be passed upon by the judges of election and registrars on the day the primary is held.

(h) Ballots counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such primary election for each of the candidates and make returns thereof to the town clerk, upon blanks to be furnished by the clerk.

(i) Returns canvassed. On the day following the primary election, the town clerk, under the supervision and direction of the mayor, shall canvass such returns and declare the result thereof. The canvass by the town clerk shall be publically made.

(j) Who to be candidates. The two candidates receiving the highest number of votes for mayor, and the eight candidates receiving the highest number of votes for commissioner, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates whose names shall be placed upon the official ballot for mayor, commissioners, and other elective offices at the next succeeding municipal election. Provided, however, if any candidate for mayor receives a majority of all the votes cast for the office of mayor, or if any

Filing fee.

Posting of names of candidates.

Ballots.

Method of preparing ballots.

Distribution of ballots.

Persons entitled to vote.

Challenges.

Counting of ballots.

Returns to town clerk.

Canvass of returns.

Canvass to be public.

Method of determining candidates.

candidate for other elective office receives a majority of all the votes cast for the office for which such person is a candidate, then only the name of the candidate receiving a majority of all votes cast for such office shall be placed upon the ballot for mayor, commissioners, or other elective office. Provided, further, that in the event only one person shall qualify for the office of mayor, or other elective office, and only four shall qualify for the office of commissioners, by filing the petition of candidacy and paying the sum of five dollars (\$5.00), as hereinbefore provided for, then and in that event, such primary election shall not be held but in lieu thereof the names of the persons so qualifying as candidates of each elective office shall be certified by the clerk as the candidates whose names shall be placed upon the official ballot for the next ensuing general municipal election.

Primary obviated  
in certain  
instance.

Appointment of  
registrar.

SEC. 4. That the Board of Commissioners of the Town of Benson shall at its meeting in February or March, one thousand nine hundred and forty-three, and biennially thereafter, appoint a registrar of voters for said town, and said registrar shall post a notice at three public places in said town to the effect that the registration book is in his hands for the registration of all qualified electors residing in the Town of Benson, and also specifying the time and place at which the books for registration shall be kept open. In the event of a vacancy the mayor is hereby empowered to appoint a substitute registrar. It shall be the duty of the said registrar to open his books at the time and place named by the board of commissioners, and said books shall be opened on Saturday preceding the primary at nine o'clock a. m., and shall remain open until Saturday immediately preceding the primary election at six o'clock p. m., and all persons applying for registration and entitled to register and vote under the general election laws shall be permitted to do so.

Registration.

Substitute  
registrar.

Time for keeping  
books open.

Appointment of  
Judges of  
Election.

SEC. 5. That their meeting in February or March one thousand nine hundred and forty-three, and biennially thereafter, the board of commissioners shall appoint two judges of election, who, together with the registrar shall constitute the election officials and shall conduct the primary and general election; said election officials shall certify the result of said primary and general election to the town clerk who shall canvass and record the same.

Election officials.

Town clerk  
to canvass results  
of elections.

Organization of  
Board of Com-  
missioners.

SEC. 6. The board of commissioners shall on the first Thursday night after the election in May meet in the mayor's office, and after being duly qualified by taking the oath prescribed by law for such commissioners before the mayor or some justice of the peace, elect one of their number chairman, which chairman shall act as mayor pro tempore in the absence of the mayor.

SEC. 7. The said mayor shall preside over all meetings of the board of commissioners and shall have the same rights and powers and perform all the duties and exercise all the functions vested in the office under the general laws of the State of North Carolina regulating the same.

Powers and duties of Mayor.

SEC. 8. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors shall qualify; that the mayor shall immediately after the election, and before entering upon the duties of the office, take the following oath before some justice of the peace:

"I, \_\_\_\_\_, do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, to the best of my ability, all the duties of the office of mayor of the Town of Benson while I continue therein; and I will cause to be executed as far as in my power lies, all the laws, ordinances, and regulations enacted for the Town of Benson and its government; and in the discharge of my duties I will strive to do equal justice at all parties."

Oath of Mayor.

SEC. 9. That the Board of Commissioners of the Town of Benson when organized shall have all the rights, powers, and authority prescribed under the general laws for such office.

Powers of Board of Commissioners.

SEC. 10. That at the meeting of the board of commissioners held on the first Thursday night after the election in May, the board shall elect the following officers, who shall hold their respective offices during the pleasure of the board:

Board to elect certain officers.

(a) A town clerk, who shall act as secretary to the board; he shall keep the town books and records, including minutes of the board meeting, and shall do and perform all other duties as may be prescribed by the board.

Town clerk. Duties.

(b) A chief of police and such other police officers as to the board may be deemed advisable, who shall possess all the rights and authority usually given to such officers by law.

Chief of police and other police officers.

(c) A chief of the fire department, whose duty it shall be to organize a volunteer fire department, to have charge of any and all fire fighting apparatus, and generally to do and perform all other duties by law required of such officer.

Chief of fire department. Duties.

(d) To appoint and select any other officer or employee which the board may deem proper and advisable for the management of the affairs of the town; to fix the salary and compensation of every officer and employee, other than the compensation of the Mayor and members of the board of commissioners, and to require a bond or bonds for the faithful performance of the duties devolved upon every such officer and employee.

Other officers and employees.

Compensation of officers and employees.

Bonds.

- Salary of Mayor. SEC. 11. That mayor shall receive a salary of fifty dollars (\$50.00) per month, and each member of the board of commissioners shall receive five dollars (\$5.00) for each regular meeting of the board and two dollars (\$2.00) additional for each special meeting.
- Compensation of commissioners.
- Vacancy in office of Mayor. SEC. 12. That if any person elected mayor shall fail to refuse to qualify within five days after his election, or in case of a vacancy in the office after the election, the commissioners shall elect some other person as mayor for the term or the unexpired portion of the term, as the case may be, in which event a majority of the commissioners present and voting shall be sufficient for such election; in like manner the commissioners shall elect other commissioners to supply the place or places of such as shall fail or refuse to qualify, and fill all vacancies which shall occur in the said board of commissioners.
- Vacancies among commissioners.
- Mayor's court. SEC. 13. That the mayor is hereby constituted an inferior court, with the rights, powers, and jurisdiction within the corporate limits of the Town of Benson as is now or which may hereafter be conferred upon like officers by general laws applicable thereto in respect to the violation of town ordinances and criminal offenses committed within the corporate limits of the Town of Benson.
- Jurisdiction.
- Mayor's right to vote in case of tie. SEC. 14. The mayor shall have the right to vote only in case of an equal division in the vote of the Board of Commissioners of the Town of Benson.
- Majority of Board can act. SEC. 15. The Commissioners of the Town of Benson shall form one board, and the majority of them shall have the power and are hereby authorized to perform all the duties by law prescribed for them under this charter or by general law; at their meeting held on the first Thursday night after their election in May the board shall fix a night upon which their regular monthly meetings shall be held; special meetings may be held at any time upon the call of the mayor, or by the call of any three of the commissioners, in which event the noncalling commissioner and the mayor shall be given at least two days notice in writing of such proposed meeting in ample time to enable them to be present at such meeting.
- Meetings.
- Powers of Board. SEC. 16. The board of commissioners shall have power to lay out and open any street within the corporate limits of the town, and to widen, enlarge, change, extend, or discontinue any street, or any part thereof; and shall have full power and authority to condemn, appropriate, or use any lands necessary for the purposes herein; but the board shall make reasonable compensation to the owner thereof. In case the owner of the land and the commissioners cannot agree as to the amount of the damages, the matter may, by agreement of the parties, be submitted to arbitration, or to a single referee, and all damages agreed upon, or awarded by the arbitrators or referee, shall be
- To open, change or discontinue streets.
- Condemnation.
- Compensation to owner.
- Arbitration where unable to agree on damages.

paid as other town obligations; provided, that either party may appeal from such award to the Superior Court, but such appeal may not hinder or delay the commissioners in opening, or widening, or changing such street or making improvements thereon.

Appeal.

SEC. 17. The board of commissioners shall have power to control, grade, pave, cleanse, and repair the streets and sidewalks of the town, and may regulate, control, license, prohibit, and prevent digging thereon, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate, control, and direct the use thereof by persons, animals, and vehicles; to prevent, abate and remove obstructions, encroachments, pollution, and litter therein.

Control of streets.

SEC. 18. The board of commissioners shall have power to make and provide for the execution thereof such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the inhabitants of the town; to adopt ordinances regulating the traffic and use of the streets by motor vehicles; to adopt ordinances licensing any business or profession doing business in the Town of Benson, and, for the purpose of raising revenue, may levy an annual license tax against the owners or operators thereof, and may provide that any person, firm or corporation carrying on any business, trade, or profession upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Certain other powers of Board.

SEC. 19. The board of commissioners shall have all the rights, powers, and authority prescribed under the general laws of North Carolina applicable to such office, and not inconsistent with the specific provisions of this charter.

Powers granted under general law.

SEC. 20. The board of commissioners shall at least once each year cause to be audited the books of the Town of Benson, and shall also cause to be published in a local newspaper a condensed financial statement of the Town of Benson at least once each year.

Audits.

Publication of financial statement.

SEC. 21. That for the purpose of raising revenue for defraying expenses incident to the proper government of the town, the board of commissioners shall have the power, and it is authorized to levy and collect for general purposes for the year one thousand nine hundred and forty-three, and annually thereafter, an ad valorem tax on all real and personal property within the corporate limits of said town and all personal property, and upon all other property subject to an ad valorem tax under the laws of the State of North Carolina not exempt from taxa-

Power to levy and collect taxes.

Ad valorem taxes.

- Taxes due in October.  
Discounts and penalties.  
Poll tax.  
Levy of tax for payment of bonds.
- Lien of taxes.      SEC. 22. The lien for taxes levied and assessed against real and personal property, and the method of foreclosing such lien shall be the same as that provided by the general laws of North Carolina applicable to municipalities; but there shall be no lien on personal property for taxes except from the levy thereon.
- Foreclosure of lien.
- Franchises.      SEC. 23. The board of commissioners shall have the power and authority to grant franchises to engage in public service within the town upon such terms and under such restrictions as it may deem just and proper, such franchise shall not, however, be granted to run for a period of more than twenty-five years, nor until notice thereof shall have been published in a local newspaper for at least two weeks.
- Limitation on period.
- Notice.
- Certain other laws deemed part of charter.      SEC. 24. Chapter fifty-six of Michie's Code of North Carolina entitled "Municipal Corporation," and amendments thereto, shall be deemed a part of this charter and shall apply to the Town of Benson, except where the same is inconsistent with this Act or inapplicable to said town.
- Restriction on erection and repair of wood building in fire district.      SEC. 25. That it shall be unlawful for any person, firm, or corporation to erect, alter, or repair without permission from the board of commissioners any wood building or any description in the territory from the West side of Elm Street to the East side of Wall Street, and from the South side of Church Street to the North side of Parrish Drive, which area shall be known as the fire district. Any person, firm or corporation violating this section shall be fined not exceeding fifty dollars, and each day such person, firm or corporation shall continue to erect, alter, or repair any such wooden buildings shall constitute a separate and distinct offense, punishable as aforesaid.
- Punishment for violation.
- Actions against Town.      SEC. 26. That no action shall be instituted or maintained against the Town of Benson upon any claim or demand whatever of any kind or character until the claimant shall have first

presented in writing his or her claim or demand to the board of commissioners of said town and said board of commissioners shall have declined to pay or settle the same as presented, or for ten days after such presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time which the claim accrued or demand arose, or in any manner interfere with its running.

SEC. 27. That no action for damages against said town of any character whatever, or either person or property, shall be instituted against said town unless, within three months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice in writing to the board of commissioners, of such injury, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury or in any manner interfere with its running.

SEC. 28. The board of commissioners, in its discretion, shall have a right and authority to accept lawful bonds of the Town of Benson, at par, without interest, in satisfaction of paving liens assessed against property situate within the corporate limits of the town.

SEC. 29. That the corporate limits of the Town of Benson be and the same is hereby further extended, in addition to the corporate limits set out in Section two of this charter, so as to include the Benson Cemetery situate on old Highway number twenty-two leading from Benson to Smithfield, and the board of commissioners are authorized and empowered to expend from the general funds of the town such funds as may be necessary for the proper maintenance and supervision of said cemetery.

SEC. 30. All ordinances, resolutions, rules, and regulations in force at the time of the taking effect of this Act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SEC. 31. All laws and parts of laws in conflict herewith are repealed.

SEC. 32. This Act shall be effective upon its ratification.

Ratified this the 6th day of March, 1943.

Claimant to make written claim before bringing action.

No action for damages against Town unless written notice of injury given.

Time of giving such notice.

Contents of notice.

Board permitted to accept town bonds for paving assessments.

Corporate limits further extended.

Benson Cemetery included.

Maintenance of cemetery.

Ordinances in force not inconsistent with this Act to continue in effect.

Conflicting laws repealed.

## S. B. 238

## CHAPTER 540

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND THIRTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO CLASSIFICATION FOR TAXATION IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 431, Public-Local Laws, 1939, repealed.

SECTION 1. Chapter four hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and thirty-nine, entitled "An Act To Classify For Taxation In Iredell County Under The Authority Of Section Three, Article Five Of The Constitution," is hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## S. B. 244

## CHAPTER 541

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN TO CHANGE THE TERMS OF SUPERIOR COURT IN COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1443 amended as to terms of court in Columbus County.

SECTION 1. Section one thousand four hundred and forty-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, is further amended by striking out the paragraph relating to terms of court in Columbus County and inserting in lieu thereof the following:

"Fifth Monday before the first Monday in March, to continue for two weeks, for the trial of criminal cases only; second Monday before the first Monday in March, to continue for two weeks, for the trial of civil cases only; ninth Monday after the first Monday in March, to continue for one week, for the trial of criminal cases only; fifteenth Monday after the first Monday in March, to continue for two weeks, for the trial of criminal and civil cases; first Monday in September to continue for one week, for the trial of criminal cases only; fourth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases only; eleventh Monday after the first Monday in September, to continue for one week, for the trial of criminal cases only; twelfth Monday after the first Monday in September,

to continue for two weeks, for the trial of civil cases only. The courts provided in this paragraph shall be held by the judge regularly assigned to hold the courts of the Eighth Judicial District.”

SEC. 2. All general, special, and local laws and clauses of laws in conflict with this Act are hereby repealed, it being the intent and purpose of this Act that the terms of court herein provided shall supersede and be in substitution of all other terms of court in Columbus County. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three. Effective date.

Ratified this the 6th day of March, 1943.

S. B. 257

### CHAPTER 542

#### AN ACT TO VALIDATE CERTAIN OUTSTANDING OBLIGATIONS OF THE GREENSBORO-HIGH POINT AIRPORT AUTHORITY.

WHEREAS, Greensboro-High Point Authority issued and sold, with the approval of the Board of County Commissioners of Guilford County and the Local Government Commission, bonds in the principal sum of eighty thousand dollars (\$80,000.00), said bonds being dated July first, one thousand nine hundred and forty-two: Now, therefore, Preamble:  
\$80,000 bonds of  
Greensboro-High  
Point Authority  
issued.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the bonds above described are hereby legalized and validated, notwithstanding any lack of power or authority to issue such bonds, and notwithstanding any neglect or failure to comply with any requirement of law in issuing said bonds or any irregularity in the proceedings taken to provide for the issuance of said bonds. Bonds validated.

SEC. 2. All acts done or proceedings heretofore taken by Greensboro-High Point Airport Authority or Board of County Commissioners of Guilford County, or any of their respective officers or agents for the purpose of providing for, and the issuance of such bonds, are hereby validated and confirmed. Acts in issuance  
of such bonds  
validated.

SEC. 3. This Act shall be in full force from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 269

CHAPTER 543

AN ACT TO CLARIFY SENATE BILL NUMBER FOURTEEN, THE SAME BEING THE GENERAL STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

S. B. No. 14 (Ch. 33, Session Laws, 1943), being the General Statutes, amended.

SECTION 1. Senate Bill Number fourteen, the same being the General Statutes of North Carolina, ratified on the fourth day of February, one thousand nine hundred and forty-three, is hereby amended as follows:

Sec. 1-94 amended as to time of filing answer in civil actions.

(1) Section 1-94 is hereby amended by striking out the word "twenty" in the twenty-first line and inserting in lieu thereof the word "thirty."

Sec. 1-104 amended.

(2) Section 1-104 is hereby amended by striking out all of said section after the word "follows:" at the end of the twelfth line and inserting in lieu thereof the following:

Form of return in service of process on non-resident by officer where defendant resides.

State of \_\_\_\_\_ } Affidavit of  
County of \_\_\_\_\_ } Service of Summons;  
Clerk's Certificate

I, \_\_\_\_\_ [Sheriff or other process officer] of the county [or city] of \_\_\_\_\_, State of \_\_\_\_\_, being duly sworn, do certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I served the summons and accompanying statement hereto attached by delivering a copy of the same to \_\_\_\_\_, the defendant(s) therein named.

\_\_\_\_\_[Sheriff or other process officer]

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of the County [or City] of \_\_\_\_\_, State of \_\_\_\_\_, do certify that said court is a court of record having the seal hereto attached; that \_\_\_\_\_ is well known to me as \_\_\_\_\_ [Sheriff or other process officer]

of said county [or city] of \_\_\_\_\_, and that he has full power and authority to serve any and all legal processes issuing from courts of this state; that said \_\_\_\_\_ personally appeared before me this day and made and subscribed the above affidavit relative to service of summons on \_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

[L. S.] \_\_\_\_\_  
Clerk of the \_\_\_\_\_ Court of the County [or city] of \_\_\_\_\_, State of \_\_\_\_\_

(3) Section 1-107 is hereby amended by striking out lines twenty-seven to fifty, inclusive, of said section, the same being a return form prescribed therein, and inserting in lieu thereof the following:

Sec. 1-107, relative to alternative method of service upon non-resident defendants, amended.

State of \_\_\_\_\_ } Affidavit of  
 County of \_\_\_\_\_ } Service of Summons;  
 \_\_\_\_\_ } Clerk's Certificate

Form of return.

I, \_\_\_\_\_ [Sheriff or other process officer] of the County [or city] of \_\_\_\_\_ State of \_\_\_\_\_, being duly sworn, do certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I served the summons and accompanying statement hereto attached by delivering a copy of the same to \_\_\_\_\_, the defendant (s) therein named.

\_\_\_\_\_ [Sheriff  
 or other process officer]

I, \_\_\_\_\_, Clerk of the \_\_\_\_\_ Court of the County [or City] of \_\_\_\_\_, State of \_\_\_\_\_, do certify that said court is a court of record having the seal hereto attached; that \_\_\_\_\_ is well known to me as \_\_\_\_\_ [Sheriff or other process officer] of said county [or city] of \_\_\_\_\_, and that he has full power and authority to serve any and all legal processes issuing from courts of this state; that said \_\_\_\_\_ personally appeared before me this day and made and subscribed the above affidavit relative to service of summons on \_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

[L. S.] \_\_\_\_\_  
 Clerk of the \_\_\_\_\_ Court of  
 the County [or City] of \_\_\_\_\_,  
 State of \_\_\_\_\_

(4) Section 1-108 is hereby amended by striking out the words "Section 1-104" in line three and inserting in lieu thereof "Sections 1-104 through 1-107."

Sec. 1-108 amended.

(5) Section 1-237 is hereby amended by rewriting said section to read as follows:

Sec. 1-237 rewritten.

"SECTION 1-237. Judgments of federal courts docketed; lien on property; recordation; conformity with federal law. Judgments and decrees rendered in the district courts of the United States within this state may be docketed on the judgment dockets of the Superior Courts in the several counties of this State for the purpose of creating liens upon property in the county where docketed; and when a judgment or decree is registered, recorded, docketed and indexed in a county in like manner as

Docketing of Federal Court judgments on judgment docket of Superior Courts.

Lien of such judgments.

Docketing in  
Superior Court  
of judgment roll  
of District Court.

Purpose of  
section.

is required of judgments and decrees of the courts of this State, it shall become a lien and shall have all the rights, force and effect of a judgment or decree of the Superior Court of said county. When a judgment roll of a district court is filed with the clerk of the Superior Court, the clerk shall docket it as judgments of the Superior Court are required to be docketed. It is the intent and purpose of this section to conform the State law to the requirements of the Act of Congress entitled 'An Act to Regulate the Liens on Judgments and Decrees of the Courts of the United States' being the Act of August first, one thousand eight hundred and eighty-eight, Chapter seven hundred and twenty-nine."

Sec. 1-238  
repealed.

(6) Section 1-238 is hereby repealed.

Sec. 1-326  
rewritten.

(7) Section 1-326 is hereby amended by rewriting said section to read as follows:

Advertisement  
on resale.

"SECTION 1-326. Advertisement on resale. No resale of real property sold under execution, deed of trust, mortgage or other contracts shall be held until notice of such resale has been duly posted at the courthouse in the county for fifteen days immediately preceding the resale and also published during such fifteen day period once a week for two successive weeks in some newspaper published in the county; provided, if no newspaper is published in the county, the notice of resale must be posted at the courthouse door and three other public places in the county for fifteen days immediately preceding the resale."

Sec. 1-396  
rewritten.

(8) Section 1-396 is hereby amended by rewriting said section to read as follows:

When complaint  
filed.

"SECTION 1-396. When complaint filed. The complaint or petition of the plaintiff must be filed in the clerk's office at or before the time of the issuance of the summons, unless time for filing said complaint or petition is extended as provided by Section 1-398."

Sec. 1-397  
repealed.

(9) Section 1-397 is hereby repealed.

Sec. 1-410  
amended.

(10) Section 1-410 is hereby amended by striking out lines four to ten, inclusive, the same being the first subsection of said section, and inserting in lieu thereof the following:

Arrest in civil  
cases for certain  
wilful acts.

"1. In an action for the recovery of damages on a cause of action not arising out of contract where the action is for wilful, wanton, or malicious injury to person or character or for wilfully, wantonly or maliciously injuring, taking, detaining, or converting real or personal property."

Sec. 1-449 relat-  
ing to execution  
under attachment,  
amended.

(11) Section 1-449 is hereby amended by striking out the comma in line thirteen and inserting a period in lieu thereof, and by deleting the remainder of the sentence which reads as follows:

“and take such legal proceedings in his own name or in that of the defendant as are necessary for that purpose.”

(12) Section 1-489 is hereby amended by rewriting said section to read as follows: Sec. 1-489  
rewritten.

“SECTION 1-489. Time of Issuing. The injunction may be granted at the time of commencing the action, or at any time afterwards, before judgment, upon its appearing satisfactorily to the judge, by the affidavit of the plaintiff, or of any other person, that sufficient grounds exist therefor. A copy of the affidavit must be served with the injunction.” Time of issuing  
injunction.

(13) Section 2-56 is hereby amended by striking out the words “Sinking Fund Commission” in the twelfth line and inserting in lieu thereof the words “Local Government Commission.” Sec. 2-56  
amended.

(14) Section 7-51 is hereby amended by deleting the word “seventieth” in the fourteenth line from the end of the section, and inserting in lieu thereof the word “sixty-fifth.” Sec. 7-51, relating  
to salaries of  
judges, amended.

(15) Section 7-186 is hereby amended by changing the colon in the third line from the end of the section to a period, and deleting the remainder of the section. Sec. 7-186, relat-  
ing to recorders,  
amended.

(16) Section 7-218 is hereby amended by changing the period at the end of said section to a comma and adding the following words: Sec. 7-218  
amended as to  
place of holding  
recorders' courts,

“or other place within the county provided by the board of commissioners.”

(17) Section 7-298 is hereby amended by striking out the words “one thousand nine hundred thirty census” at the end of the third paragraph of said section and inserting in lieu thereof the words “most recent federal decennial census.” Sec. 7-298 as  
to district county  
courts, amended.

(18) Section 8-47 is hereby amended by changing the period at the end of the section to a comma and adding the following: Sec. 8-47 amended  
as to interest rate  
for computing  
cash value of  
dower.

“Provided, the interest rate in computing the present cash value of dower shall be six per cent.”

(19) Section 8-76 is hereby amended by inserting after the word “commission;” in line thirteen and before the words “and the notice” the words “or such deposition may be taken by a notary public of this State or of any other state or foreign county without a commission issuing from the court;”, and said section is further amended by inserting after the word “deposition” and before the semicolon in line twenty-three the words “or by the notary taking such depositions, as the case may be.” Sec. 8-76, as to  
depositions be-  
fore municipal  
authorities,  
amended.

Sec. 8-77 as to depositions in quo warranto proceedings, amended.

(20) Section 8-77 is hereby amended by inserting after the word "pending," and before the words "under the same rules," in line ten the words "or a notary public."

Sec. 14-83 repealed.

(21) Section 14-83 is hereby repealed.

Sec. 14-388 repealed.

(22) Section 14-388 is hereby repealed.

Sec. 14-398 as to theft or destruction of property of public libraries, etc., amended.

(23) Section 14-398 is hereby amended by striking out the words and figures "twenty dollars (\$20.00)" in line twenty-three and in line thirty and inserting in each place in lieu thereof the words and figures "fifty dollars (\$50.00)."

Sec. 14-399 rewritten.

(24) Section 14-399 is hereby amended by rewriting said section to read as follows:

Placing trash, refuse, etc., within 150 yards of hard surfaced highway.

"SECTION 14-399. Placing trash, refuse, et cetera, within one hundred and fifty yards of hard-surfaced highway. It is unlawful for any person, firm, organization or private corporation, or for the governing body, agents or employees of any municipal corporation, to place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, scrapped automobile, truck or part thereof within one hundred and fifty yards of a hard-surfaced highway where the highway is outside of an incorporated town, unless the trash, refuse, garbage, scrapped automobile, truck or part thereof, is concealed from the view of persons on the highway.

Exceptions.

"This section does not apply to domestic trash or garbage placed for removal, nor to junk yards which are the property of bona fide junk dealers and which are properly screened or fenced from the view of persons on the highway.

Separate offenses.

"The placing or leaving of the articles or matter forbidden by this section shall, for each day or portion thereof that the act is done, constitute a separate offense.

Punishment.

"A violation of this section is punishable by a fine or not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for each offense.

Certain counties excepted.

"This section shall not apply to the counties of Alleghany, Ashe, Avery, Bertie, Brunswick, Buncombe, Cabarrus, Caswell, Columbus, Davidson, Duplin, Forsyth, Franklin, Gates, Granville, Guilford, Halifax, Hyde, Jackson, Lenoir, Lincoln, Macon, Madison, Martin, Mitchell, Montgomery, Moore, Person, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Vance, Warren, Watauga, Wilson, and Yancey."

Sec. 15-1 amended.

(25) Section 15-1 is hereby amended by rewriting all of said section down through the words "of the offender:" in the thirteenth line as follows:

"The crimes of deceit and malicious mischief, and the crime of petit larceny where the value of the property does not exceed five dollars, and all misdemeanors except malicious misdemeanors, shall be presented or found by the grand jury within two years after the commission of the same, and not afterwards:".

Statute of limitations for certain misdemeanors.

(26) Section 15-8 is hereby amended by striking out the word "felon" in the first line and inserting the word "person" in lieu thereof.

Sec. 15-8 as to return of stolen property to owner, amended.

(27) Section 20-105 is hereby amended by inserting after the word "drives" and before the words "a vehicle" in the second line, the following words:

Sec. 20-105 as to unlawful taking of a vehicle, amended.

"or otherwise takes and carries away."

(28) Section 26-10 is hereby repealed.

Sec. 26-10 repealed.

(29) Section 28-1 is hereby amended by deleting subsection two, the same being lines eleven, twelve and thirteen, of said section, and inserting in lieu thereof the following:

Sec. 28-1 as to jurisdiction of C. S. C. over decedent's estates, amended.

"2. Where the decedent at his death had places of residence in more than one county, the clerk of any such county has jurisdiction."

(30) Section 39-14 is hereby repealed.

Sec. 39-14 repealed.

(31) Section 44-5 is hereby amended by inserting a comma after the word "situated" in the tenth line and adding the following words in said line after said comma and before the word "and":

Sec. 44-5 as to sales of goods at public auction under lien, amended.

"or if no newspaper is published in said county, then in a newspaper published in an adjoining county and having general circulation in the county where the sale is to take place,".

(32) Section 44-7 is hereby repealed.

Sec. 44-7 repealed.

(33) Section 44-9 is hereby amended by rewriting said section to read as follows:

Sec. 44-9 rewritten.

"SECTION 44-9. Subcontractors, laborers and materialmen may notify owner of claim; effect. Any subcontractor, laborer, mechanic, artisan, or person furnishing materials, who claims the lien provided for in this article for labor on, or materials furnished for, any building, vessel, railroad, or real estate, may give notice to the owner, agent or lessee who makes the contract for the labor or materials, of the amount due by the contractor to such claimant. The notice shall be in the form of an itemized statement of the amount due, except where the contract is entire for a gross sum and cannot be itemized. Upon the delivery of the notice to the owner, agent, or lessee, the claimant is entitled to all the liens and benefits conferred by law in as full a manner as though the statement were

Subcontracts, laborers and materialmen may notify owner of claim.

Form of notice.

Effect of notice.

furnished by the contractor. If the said owner, agent or lessee refuses or neglects to retain, out of the amount due the contractor under the contract, a sum not exceeding the price contracted for which will be sufficient to pay such claimant, then the claimant may proceed to enforce his lien, and after such notice is given no payment to the contractor shall be a credit on or a discharge of the lien herein provided for."

Sec. 44-25 as to false oaths by contractors, stevedores, etc., amended.

(34) Section 44-25 is hereby amended by striking out the word "misdemeanor" at the end of the fifth line and inserting in lieu thereof the word "felony."

Sec. 44-51 as to liens for medical services, etc., amended.

(35) Section 44-51 is hereby amended by rewriting the remainder of the section after the words "provided by law:," beginning in the sixth line to read as follows:

"Provided, however, that when any such sums are in dispute the amount of the lien shall in no case exceed the amount of the bills in dispute."

Sec. 45-10 rewritten.

(36) Section 45-10 is hereby amended by rewriting said section to read as follows:

Substitution of trustees in mortgages and deeds of trust.

"SECTION 45-10. Substitution of trustees in mortgages and deeds of trust. In addition to the rights and remedies now provided by law, the holders or owners of a majority in amount of the indebtedness, notes, bonds, or other instruments evidencing a promise or promises to pay money and secured by mortgages, deeds of trust, or other instruments conveying real or personal property, or creating a lien thereon, may substitute a trustee whether the trustee then named in the instrument is the original or a substituted trustee, by the execution of a paper writing whenever it appears:

As to individual trustees.

"(1) In the case of individual trustees: that the trustee then named in such mortgage, deed of trust, or other instrument securing the payment of money, has died, or has removed from the State, or is not a resident of this State or cannot be found in this State, or has disappeared from the community of his residence so that his whereabouts remains unknown in such community for a period of three months or more; or that he has become incompetent to act mentally or physically, or has been committed to any institution, private or public, on account of inebriacy or conviction of a criminal offense; or that he has refused to accept such appointment as trustee or refuses to act or has been declared a bankrupt; or that a petition in involuntary bankruptcy has been filed against him, or that a suit has been instituted in any court of this State asking relief against him on account of insolvency; or that a cause of action has been asserted against him on account of fraud against his creditors.

Conditions authorizing substitution.

"(2) In the case of corporate trustees: That the trustee is a foreign corporation or has ceased to do business, or has ceased to exercise trust powers, or has excluded from its regular business the performance of such trusts; or that the corporation has been declared bankrupt, or has been placed in the hands of a receiver; or that insolvency proceedings have been instituted in any court of this State or in any court of the United States against it, or that any action has been instituted in either of said courts against it in which relief is asked on the ground of insolvency or fraud against its creditors; or that any officer or commission of this State, or any employee of such commission or officer, has taken charge of its affairs for the purpose of liquidation pursuant to any statute.

As to corporate trustees.

Conditions authorizing substitution.

"The powers recited in this section shall be cumulative and optional."

Powers cumulative and optional.

(37) Sections 46-35 to 46-41, inclusive, are hereby repealed.

Sec. 46-35 through Sec. 46-41 repealed.

(38) Section 46-45 is hereby amended by striking out the word "twenty" in line four and inserting the word "ten" in lieu thereof.

Sec. 46-45 amended.

(39) Section 52-11 is hereby repealed.

Sec. 52-11 repealed.

(40) Section 52-17 is hereby repealed.

Sec. 52-17 repealed.

(41) Section 52-18 is hereby repealed.

Sec. 52-18 repealed.

(42) Section 53-127 is hereby amended by rewriting said section to read as follows:

Sec. 53-127 rewritten.

"SECTION 53-127. Use of 'bank,' 'banking,' or 'trust' in corporate name. No corporation shall hereafter be chartered under the laws of this State with the words 'bank,' 'banking,' or 'trust' as a part of its name except corporations reporting to and under the supervision of the commissioner of banks, or corporations under the supervision of the insurance commissioner; nor shall any corporate name be amended so as to include the words 'bank,' 'banking,' 'banker,' or 'trust' unless the corporation be under such supervision. No person, association, firm or corporation domiciled within the State of North Carolina except corporations, persons, associations, or firms reporting to and under the supervision of the insurance commissioner, shall therein advertise or put forth any sign as bank, banking, banker or trust company, or use the word 'bank,' 'banking,' 'banker,' or 'trust,' as a part of its name and title, or in any way solicit or receive deposits or transact business as a trust company: Provided, that this chapter shall not be held to prevent any individual as such from acting in any trust capacity as heretofore: Provided, further, that it shall be lawful for any corporation incorporated prior to January first, one thousand nine hundred and five, to retain the word 'trust' in the name of said corporation, though it does not transact a banking business or

Use of "bank," "banking," "banker," or "trust" in corporate name.

such other business as requires its examination by the commissioner of banks or the insurance commissioner.

Violation made  
misdemeanor.

"Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof the offender shall be fined in a sum not exceeding five hundred dollars for each offense."

Sec. 53-147  
repealed.

(43) Section 53-147 is hereby repealed.

Sec. 55-10  
repealed.

(44) Section 55-10 is hereby repealed.

Sec. 55-12  
repealed.

(45) Section 55-12 is hereby repealed.

(46) Sections 55-14 to 55-25, inclusive, are hereby transferred to follow immediately after Section 115-382, and shall be appropriately renumbered.

Sec. 55-46  
repealed.

(47) Section 55-46 is hereby repealed.

Sec. 60-15  
repealed.

(48) Section 60-15 is hereby repealed.

Sec. 60-25  
amended.

(49) Section 60-25 is hereby amended by inserting after the word "sheriff" in the fourth line the words "or tax collector," and by striking out the words "other state" in the fourth line and inserting in lieu thereof the words "ad valorem."

Sec. 60-29  
amended.

(50) Section 60-29 is hereby amended by striking out the words "and state" in the fourteenth and fifteenth lines thereof.

Sec. 60-30  
amended.

(51) Section 60-30 is hereby amended by striking out the words "state and other" in the fifth and sixth lines and inserting in lieu thereof the words "ad valorem," and by striking out the words "state and" in the eighth line and inserting in lieu thereof the words "ad valorem," and by striking out the word "state" in the twelfth line and inserting in lieu thereof the words "ad valorem."

Sec. 60-31  
amended.

(52) Section 60-31 is hereby amended by striking out the words "state and county" in the fourth line and inserting in lieu thereof the words "ad valorem."

Sec. 60-80  
repealed.

(53) Section 60-80 is hereby repealed.

Sec. 63-19  
repealed.

(54) Section 63-19 is hereby repealed.

Sec. 80-14  
amended.

(55) Section 80-14 is hereby amended by changing the comma after the word "misdemeanor" in the seventh line to a period and deleting the remainder of the section.

Sec. 80-22  
amended.

(56) Section 80-22 is hereby amended by changing the semicolon in line eight to a period and deleting the remainder of the section.

Sec. 81-8, as to  
reports of super-  
intendent of  
Weights and  
Measures,  
amended.

(57) Section 81-8 is hereby amended by striking out in the last sentence of said section the word, "December," and inserting in lieu thereof the word, "July."

- (58) Sections 81-26 to 81-35, inclusive, are hereby repealed. Sec. 81-26 through  
Sec. 81-35  
repealed.
- (59) Section 81-46 is hereby amended by striking out the words, "from the date of issuance thereof" in the second and third lines, and inserting in lieu thereof the following: Sec. 81-46 as to  
license for public  
weigh masters,  
amended.
- "beginning on the first day of July and ending on the thirtieth day of June, next."
- (60) Section 81-51 is hereby repealed. Sec. 81-51  
repealed.
- (61) Section 81-56 is hereby amended by inserting after the word, "annually," and before the word, "and," in the fifth line thereof the words, "on the first day of July." Sec. 81-56 as to  
issuance and  
renewal of cer-  
tificate of scale  
mechanics,  
amended.
- (62) Section 81-60 is hereby amended by striking out the words, "standard-keeper," in the third and fifth lines, and inserting in lieu thereof the following words: Sec. 81-60 as to  
using untested  
surveyor's chain,  
amended.
- "State superintendent of weights and measures, his deputy or inspector."
- (63) Sections 81-71 and 81-72 are hereby repealed. Sec. 81-71 and  
Sec. 81-72  
repealed.
- (64) Subsection (b) of Section 97-2 is hereby amended by adding to the end of said subsection the following: Sec. 97-2(b)  
amended as to  
application of  
Workmen's Com-  
pensation Act to  
Deputy Sheriffs  
in certain  
counties.
- "Provided, that the second and third sentences herein shall not apply to Pender, Cherokee, Avery, Perquimans, Gates, Macon, Watauga, Ashe, Union, Wilkes, Hyde, Caswell, Bladen and Carteret Counties."
- (65) Subsection (c) of Section 97-2 is hereby amended by adding to the end of said subsection the following: Sec. 97-2(c)  
amended as to  
application of  
Workmen's Com-  
pensation Act  
to Deputy Sheriffs  
in certain  
counties.
- "Provided, that the last two sentences herein shall not apply to Pender, Cherokee, Avery, Perquimans, Gates, Macon, Watauga, Ashe, Union, Wilkes, Hyde, Caswell, Bladen and Carteret Counties."
- (66) Subsection (a) of Section 97-13 is hereby amended by striking out the word and numeral, "seven (7)" in line four thereof and inserting in lieu thereof the word and numeral "eight (8)"; and by striking out the word, "seven" in line sixteen thereof and inserting in lieu thereof the word and numeral, "eight (8)."
- (67) Section 97-16 is hereby amended by adding to the end thereof the following: Sec. 97-13(a)  
amended.
- "Provided, however, that in Pender, Cherokee, Avery, Perquimans, Gates, Macon, Watauga, Ashe, Union, Wilkes, Hyde, Caswell, Bladen and Carteret Counties any sheriff may exempt himself and any and all deputies appointed by him from the provisions of this Act by notice in writing to the Industrial Commission, such notice to be made on forms prescribed by the Industrial Commission."
- Sec. 97-16 amend-  
ed to permit  
Sheriffs of certain  
counties to ex-  
empt themselves  
and Deputies  
from Act.

Sec. 97-29 amended to exclude certain counties from provision as to basis of compensation of Deputy Sheriffs.

(68) Section 97-29 is hereby amended by adding to the end of said section the following:

“Provided, that the last sentence herein shall not apply to Pender, Cherokee, Avery, Perquimans, Gates, Macon, Watauga, Ashe, Union, Wilkes, Hyde, Caswell, Bladen and Carteret Counties.”

Sec. 97-68 amended.

(69) Section 97-68 is hereby amended by striking out the word, “ability” in line six thereof and inserting in lieu thereof the word, “liability.”

Sec. 116-38 amended.

(70) Section 116-38 is hereby amended by striking out the word “Women’s” in the sixth line and inserting in lieu thereof the word “Woman’s.”

(71) Sections 120-23, 120-24 and 120-25 are hereby transferred from their present position in the General Statutes to follow immediately after Section 147-43, and shall be appropriately renumbered.

Sec. 120-26 repealed.

(72) Section 120-26 is hereby repealed.

Sec. 130-56 amended.

(74) Section 130-56 is hereby amended by striking out the word “and” after the words “for annexation,” and before the words “that ten per” in the eighth line and inserting in lieu thereof the word “or.”

Sec. 130-231 rewritten.

(75) Section 130-231 is hereby amended by rewriting said section to read as follows:

Tuberculous prisoners not to be worked.

“SECTION 130-231. Tuberculous prisoners not to be worked. No prisoner suffering with tuberculosis shall be worked on any public or private works.”

Sec. 130-232 repealed.

(76) Section 130-232 is hereby repealed.

Sec. 130-233 repealed.

(77) Section 130-233 is hereby repealed.

Sec. 131-43 amended.

(78) Section 131-43 is hereby amended by striking out the words “five cents on the dollar” in the tenth line and inserting in lieu thereof the words “five cents on the hundred dollars.”

Sec. 134-19 repealed.

(79) Section 134-19 is hereby repealed.

(80) Section 143-167 is hereby transferred to follow immediately after Section 147-54, and shall be appropriately renumbered.

Sec. 147-36 as to duties of Secretary of State, amended.

(81) Section 147-36 is hereby amended by adding the following at the end of said section:

To issue certificates of incorporation, etc.

“7. To issue charters and all necessary certificates for the incorporation, domestication, suspension, reinstatement, cancellation and dissolution of corporations as may be required by the corporation laws of the State and maintain a record thereof.

"8. To issue certificates of registration of trademarks, labels and designs as may be required by law and maintain a record thereof.

To issue certificates of registration of trademarks, etc.

"9. To maintain a division of publications to compile data on the State's several governmental agencies and for legislative reference.

To maintain division of publications.

"10. To receive, enroll and safely preserve the Constitution of the State and all amendments thereto.

Custody of Constitution and amendments.

"11. To serve as a member of such boards and commissions as the Constitution and laws of the State may designate.

To serve on certain boards and commissions.

"12. To administer the Securities Law of the State, regulating the issuance and sale of securities, as is now or may be directed."

To administer Securities Law.

(82) Section 162-8 is hereby amended by striking out the first twenty lines and inserting the following in lieu thereof:

Sec. 162-8 amended.

"SECTION 162-8. Sheriff to execute two bonds. The sheriff shall execute two several bonds, payable to the State of North Carolina, as follows:

Sheriff to execute two bonds.

"One conditioned for the collection and settlement of county and other local taxes according to law, a sum not exceeding the amount of such county and other local taxes for the previous year.

One for collection of taxes, etc.

"The second bond, for the due execution and return of process, payment of fees and moneys collected, and the faithful execution of his office as sheriff, shall be not more than five thousand dollars, in the discretion of the board of county commissioners, and shall be conditioned as follows:"

One for due execution of process, etc.

(83) Subsection nine of Section 163-197 is hereby amended by inserting after the words "or other officer" and before the word "to" in the first line of said subsection, the words "or person."

Sec. 163-197(9) as to false election returns, amended.

(84) Section 163-205 is hereby repealed.

Sec. 163-205 repealed.

(85) Section 84-2 is hereby amended by making the second paragraph thereof into a new section to be designated as Section 84-2(1) and deleting the word "herein" following the word "used" and before the word "is" and inserting in lieu thereof the words "in this chapter."

Sec. 84-2 amended.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## S. B. 272

## CHAPTER 544

AN ACT TO ESTABLISH FOR THE COUNTY OF NEW HANOVER AND THE CITY OF WILMINGTON A SPECIAL COMMITTEE ON POST-WAR PLANNING FOR ECONOMIC STABILITY.

*The General Assembly of North Carolina do enact:*

Post-War Planning Committee for County of New Hanover and City of Wilmington.

SECTION 1. That there is hereby established for the County of New Hanover and the City of Wilmington a special committee to be known as the Committee on Post-war Planning for Economic Stability.

Appointment of committee.

SEC. 2. That the special committee shall be composed of not less than five nor more than eleven members who shall serve without compensation. Within sixty days after the ratification of this Act, the Board of Commissioners of the County of New Hanover and the Board of Commissioners of the City of Wilmington, meeting in joint session, shall appoint the members of the special committee who shall be residents and citizens of said city or county. The members of the special committee at their first meeting, shall elect one of their members to act as chairman. Any vacancies occurring on said committee shall be filled by the said commissioners in joint meeting.

Vacancies.

Duties.

SEC. 3. That it shall be the duty of the special committee:

Exchange ideas and information.

(a) To meet frequently for the purpose of exchanging ideas and information relating to keeping stable the economy of the County of New Hanover and the City of Wilmington after the present hostilities have ceased;

Gather information.

(b) To make inquiries and gather information that will aid in formulating plans now that will help cushion the shock of post-war decrease in production;

Keep informed as to certain Federal legislation.

(c) To keep informed as to any legislation passed by the United States Congress designed to aid communities that may reasonably expect a post-war economic slump;

Report to Commissioners of County and City.

(d) To report its findings to the aforesaid commissioners, advising them as to the feasibility of subsidizing, leasing, purchasing or giving financial aid to those industries located in said county and city that may be rendered insolvent or forced into liquidation by the ending of the present war;

Make studies and recommendations.

(e) To make such studies and recommendations in general that will contribute toward the civic and economic betterment of the County of New Hanover and the City of Wilmington.

Quarters and equipment to be furnished committee.

SEC. 4. That the Board of Commissioners of the County of New Hanover and the Board of Commissioners of the City of Wilmington shall provide such quarters and the necessary equipment therefor as will enable the special committee properly

to carry on the business for which it is established. The commissioners shall also provide secretarial assistance to the committee whenever needed. The commissioners shall also subscribe to any service the committee may request that will keep the committee better informed as to the trend of business as related to the war and post-war economy. All expenses incurred for the objects set forth in this section shall be borne equally by the city and county and paid for out of the general funds of the two units.

Secretarial assistance.

Expenses to be borne jointly by County and City.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 288

### CHAPTER 545

AN ACT TO REPEAL CHAPTER SEVENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN EXEMPTING WARREN COUNTY FROM THAT PART OF SECTION ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE OF THE CONSOLIDATED STATUTES WHICH REQUIRES PAYMENT FOR DAMAGES DONE BY DOGS, AND TO MAKE PROVISIONS FOR PAYMENT OF SUCH DAMAGES IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter seventy-five of the Public Laws of one thousand nine hundred and thirty-seven is hereby repealed.

Ch. 75, Public-Laws, 1937, repealed.

SEC. 2. Section one thousand six hundred and eighty-one of the Consolidated Statutes is hereby amended by adding at the end of said section the following:

C. S. 1681 amended as to payment for damages to property by dogs in Warren County.

“Provided that in Warren County the payment of damages for injuries to or destruction of property by dogs shall be made only under the following conditions and circumstances:

“Commencing with dog tax funds collected under the provisions of this article in one thousand nine hundred and forty-three, the money arising under the provisions of this article shall be paid into a special dog tax fund to be used for the sole purpose of paying claims for damages arising under this section, and claims for such damages shall not be paid from any other fund of Warren County. Payment for damages under this section in Warren County shall be limited exclusively to damages for injury to or destruction of livestock. No damages shall be paid under the provisions of this section for injury to

Special dog tax fund created.

Payment for damages to livestock which has been listed for taxes.

or destruction of any livestock which has not been properly listed for ad valorem taxation for the current year, exclusive of any increase in such livestock. Upon receiving the report of the jury of freeholders as to damages claimed by any person, the board of county commissioners is hereby authorized to order paid to such person out of said special dog tax fund such amount as it may in its discretion from a consideration of said jury's report and all other circumstances and conditions deem just and equitable."

Discretion of Board of County Commissioners as to amount of payment.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## S. B. 302

## CHAPTER 546

AN ACT TO PROVIDE FOR COLLECTION OF DELINQUENT TAXES BY THE TAX COLLECTOR OF HARNETT COUNTY, TO PROVIDE FOR HIS COMPENSATION, AND TO AMEND CHAPTER FORTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR IN SO FAR AS IT RELATES THERETO.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Harnett County are hereby authorized and empowered to confer upon the Tax Collector of Harnett County the duty of collecting all delinquent taxes, fees, penalties, and other revenue due the County of Harnett in addition to the collection of current taxes as he is now required to do by Chapter forty-two of the Public-Local Laws of one thousand nine hundred and twenty-four, and when the said Board of County Commissioners of Harnett County shall have conferred upon the Tax Collector of Harnett County by resolution the duty of collecting all delinquent taxes, fees, penalties, and other revenues, the said Tax Collector of Harnett County shall be vested with all the powers and authority and shall be responsible for all duties as are now, or may hereafter be, provided by law for sheriffs of the State of North Carolina in the collection of taxes and levy on, and sale of, land and personal property for taxes in the County of Harnett, and any such tax collector shall be vested with authority to collect delinquent as well as current taxes, and shall be vested with power and authority to make levy and sale of real property and personal property for delinquent taxes, fees, penalties, and revenues.

Collection of delinquent taxes in Harnett County.

Duty may be conferred on Tax Collector.

Power of Tax Collector in such event.

SEC. 2. When the Board of Commissioners of Harnett County shall have conferred upon the Tax Collector of Harnett County the duty of collecting delinquent taxes, fees, penalties, and other revenues in and for the said County of Harnett as herein provided for, the Delinquent Tax Collector of Harnett County, upon full settlement of taxes up to the date of the transfer of the collecting of taxes to such tax collector, shall be relieved of all further duties in connection therewith and thereafter the said Delinquent Tax Collector for Harnett County and his surety shall be discharged from further liability with reference to the collecting of delinquent taxes for Harnett County.

Delinquent Tax Collector to make settlement in such event.

SEC. 3. This Act shall not be construed as restricting the powers and duties of the Tax Collector of Harnett County, but shall be construed as authorizing and empowering the Commissioners of Harnett County to confer upon the tax collector additional powers and duties.

Act not to restrict powers and duties of Tax Collector.

SEC. 4. Section five of Chapter forty-two of the Public-Local Laws of one thousand nine hundred and twenty-four is hereby repealed and rewritten to read as follows:

Sec. 5, Ch. 42, Public-Local Laws, 1924, rewritten.

“SEC. 5. The Tax Collector of Harnett County, after the Board of Commissioners of Harnett County shall have conferred upon him the duty of collecting delinquent taxes, fees, penalties and other revenue in and for Harnett County as herein provided for, shall be paid a salary to be fixed by the Board of Commissioners of Harnett County, and for assistants, clerical help and expenses, a sum not to exceed the amount of fifteen thousand dollars (\$15,000.00), per annum, payable monthly, which said sum shall include the total cost for the operation of the office of Tax Collector of Harnett County; but the board of commissioners may, in its discretion, authorize the tax collector to retain as additional compensation legal fees authorized to be charged by law as costs in case of levy, garnishment, land sales, or other process for the enforced collection of taxes or any part or percentage thereof.”

Salary to be fixed by commissioners.

Funds for clerical assistance, etc.

SEC. 6. Any provision of Chapter forty-two of the Public-Local Laws of one thousand nine hundred and twenty-four in conflict with this Act and all other laws and clauses of laws, Public, Public-Local, and Private, are hereby repealed.

Provisions of Ch. 42, Public-Local Laws, 1924, in conflict herewith, repealed. Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 319

CHAPTER 547

AN ACT TO AUTHORIZE THE MONTGOMERY COUNTY BOARD OF EDUCATION TO SETTLE A BOUNDARY DISPUTE INVOLVING THE BOUNDARIES TO TROY PUBLIC SCHOOL PROPERTY BY EXECUTING A QUITCLAIM DEED.

Preamble:  
Boundary dispute between Troy Public School and Mrs. Elsie Saunders.

WHEREAS, there is a dispute as to the location of the boundary line between the Troy Public School property and the property of Mrs. Elsie Saunders, in the Town of Troy, North Carolina; and

Settlement reached.

WHEREAS, the Montgomery County Board of Education and the said Mrs. Elsie Saunders have agreed upon an amicable settlement of said dispute whereby for the sum of twenty-five dollars (\$25.00) the said Montgomery County Board of Education will quitclaim to the said Mrs. Elsie Saunders certain portion of said property involved in said dispute: Now, therefore,

*The General Assembly of North Carolina do enact:*

Montgomery County Board of Education authorized to quitclaim certain property to Mrs. Saunders for \$25.00.

SECTION 1. That the Montgomery County Board of Education be authorized and empowered in its discretion to execute and deliver to Mrs. Elsie Saunders a quitclaim deed to that portion of the Troy Public School property which in the opinion of the said Montgomery County Board of Education it will be necessary to convey in order to settle an existing dispute as to the boundary line between the school property and the property of Mrs. Elsie Saunders, and receive as consideration therefor the sum of twenty-five dollars (\$25.00).

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 327

CHAPTER 548

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF MECKLENBURG COUNTY TO NAME TWO ASSISTANT CLERKS OF THE SUPERIOR COURT OF MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. C. of Mecklenburg County may appoint 2 assistants.

SECTION 1. The Clerk of the Superior Court of Mecklenburg County, by and with the written consent and approval of the Superior Court judge resident in his district, may appoint two assistant clerks of the Superior Court, who before entering upon

Approval of Resident Judge.

their duties shall take and subscribe the oath prescribed for clerks. Upon compliance with the provisions of this Act, such assistant clerks shall be as fully authorized and empowered to perform all the duties and functions of the office of clerk of the Superior Court as the clerk himself, and all the acts, orders, and judgments of such assistant clerks shall be entitled to the same faith and credit as those of such clerk. Such assistant clerks shall be subject in all respects to all laws which apply to the clerks. The said Clerk of the Superior Court of Mecklenburg County shall be held responsible for the acts of his assistant clerks, and the official bonds of such clerks as now provided by law shall be written to and shall cover the acts of his assistant clerks.

Powers and duties of assistants.

C. S. C. responsible for assistants' acts.

SEC. 2. The assistant clerks of the Superior Court authorized to be appointed under Section one of this Act shall be made in full compliance with Sections nine hundred and thirty-four (b) and (c) of Volume three of the Consolidated Statutes of North Carolina.

Compliance with C. S. 934(b) and (c), vol. 3.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 29

CHAPTER 549

AN ACT TO PROVIDE FOR TERMS OF SUPERIOR COURT FOR McDOWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That part of Section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina relating to the terms of Superior Court in McDowell County is hereby repealed and the following enacted in lieu thereof:

C. S. 1443 amended.

"McDowell—Seventh Monday before the first Monday in March, to continue for one week for the trial of criminal cases only; the third Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only; the fourteenth Monday after the first Monday in March, to continue for two weeks for the trial of both criminal and civil cases; the eighth Monday before the first Monday in September, to continue for two weeks for the trial of civil cases only; the first Monday in September, to continue for two weeks for the trial of both criminal and civil cases.

Terms of Superior Court in McDowell County.

"At any criminal term of court in McDowell County civil actions which do not require a jury, motions, and uncontested

Certain civil matters heard at criminal term.

divorce actions with jury trial, may be heard, tried and determined and proper judgment and orders entered therein.

Cancellation of unnecessary terms.

"In the event the county commissioners shall find that any term for the trial of civil cases is not needed they may by resolution sent to the Governor cancel the term in question.

Assignment of judges where regular judges unable to hold term.

"The Governor shall assign an emergency, or any other judge, to hold any of the terms of the Superior Court for McDowell County when the judge regularly holding the courts in said district is, because of a conflict in the terms of court or for any other cause, unable to hold any of said terms."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 44

## CHAPTER 550

### AN ACT TO MAKE MORE ELASTIC THE PUNISHMENTS FOR CERTAIN VIOLATIONS OF THE LOTTERY AND GAMING LAWS OF THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Certain violations of lottery and gaming laws made misdemeanor.

SECTION 1. If any person shall sell, barter, or cause to be sold or bartered, any ticket, token, certificate or order for any number or shares in any lottery, commonly known as the numbers or butter and egg lottery, or lotteries of similar character, to be drawn or paid within or without the State, such person shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, in the discretion of the court. Any person who shall have in his possession any tickets, tokens, certificates or orders used in the operation of any such lottery shall be guilty under this Act, and the possession of such tickets shall be prima facie evidence of the violation of this Act.

Possession of lottery tickets, etc., prima facie evidence of violation of Act.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 104

## CHAPTER 551

AN ACT TO PROHIBIT THE OPERATION OF DANCE HALLS, POOL TABLES, MUSIC VENDING MACHINES, AND TO PROHIBIT THE SALE OF BEER OR WINE ON SUNDAYS AND DURING HOURS WHEN RELIGIOUS SERVICES ARE BEING CONDUCTED ON OTHER DAYS AND TO PROHIBIT GAMBLING WITHIN FIVE HUNDRED (500) YARDS OF THE CABIN MISSIONARY BAPTIST CHURCH AND THE CABIN FREE WILL BAPTIST CHURCH IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful for any person, firm or corporation to operate or cause to be operated within five hundred (500) yards of the Cabin Missionary Baptist Church in Duplin County on Sundays or during any hours of any weekdays while religious services are being conducted in said church, any dance hall, pool table or any machine playing records, or vending music, for a consideration, including those machines commonly referred to as nickelodeons, piccolos and juke-boxes.

Operation of dance hall, etc., within 500 yards of Cabin Missionary Baptist Church in Duplin County at certain times unlawful.

SEC. 2. It shall be unlawful for any person, firm or corporation to operate or cause to be operated within five hundred (500) yards of the Cabin Free Will Baptist Church in Duplin County on Sundays or during any hours of any weekdays while religious services are being conducted in said church, any dance hall, pool table or any machine playing records, or vending music, for a consideration, including those machines commonly referred to as nickelodeons, piccolos and juke-boxes.

Within 500 yards of Cabin Free Will Baptist Church.

SEC. 3. It shall be unlawful for any person, firm or corporation to sell beer or wine within five hundred (500) yards of the Cabin Missionary Baptist Church in Duplin County on Sundays or during any hours of any weekdays while religious services are being conducted in said church.

Sale of beer or wine within 500 yards of Cabin Missionary Baptist Church at certain time unlawful.

SEC. 4. It shall be unlawful for any person, firm or corporation to sell beer or wine within five hundred (500) yards of the Cabin Free Will Baptist Church in Duplin County on Sundays or during any hours of any weekdays while religious services are being conducted in said church.

Within 500 yards of Cabin Free Will Baptist Church.

SEC. 5. It shall be unlawful for any person, firm or corporation to gamble or to operate or cause to be operated any gambling device within five hundred (500) yards of the Cabin Missionary Baptist Church or the Cabin Free Will Baptist Church in Duplin County.

Operation of gambling devices within 500 yards of said churches unlawful.

SEC. 6. Any violation of this Act shall be a misdemeanor punishable by a fine or imprisonment, or both, in the discretion of the court. In addition thereto, any act constituting a violation of this Act is hereby declared to be sufficient evidence of

Violation made misdemeanor.

Violation declared nuisance.

C. S. 3180 amended to include violation of this Act.

Violations may be enjoined.

Application of Act.

Conflicting laws repealed.

the existence of a nuisance under the provisions of Section three thousand one hundred and eighty of the Consolidated Statutes and said Section three thousand one hundred and eighty is hereby amended to include any violation of this Act in the list of acts therein declared to be nuisances, to the end that the operation of any establishment in which such violations occur may be enjoined as a nuisance under the provisions of Chapter sixty of the Consolidated Statutes relating to nuisances. Provided, that the terms of this Act shall apply only to that portion of Duplin County lying within five hundred (500) yards of the Cabin Missionary Baptist Church or the Cabin Free Will Baptist Church.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 346

## CHAPTER 552

AN ACT TO AMEND CHAPTER ONE OF THE PUBLIC LAWS OF THE EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SIX, AS AMENDED, KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW.

*The General Assembly of North Carolina do enact:*

Sec. 19 (f), Ch. 1, Public Laws, Extra Session, 1936, amended.

SECTION 1. That Paragraph (1) of Subsection (f) of Section nineteen of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, be and the same is hereby amended by adding a proviso at the end of said Paragraph (1) which said proviso shall read as follows:

Definition of "employment" for purposes of this subsection.

"Provided, however, that for purposes of this subsection 'employment' shall include services which would constitute 'employment' but for the fact that such services are deemed to be performed entirely within another State pursuant to an election under and arrangement entered into by the commission pursuant to Subsection (1) of Section eleven, of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, and an agency charged with the administration of any other State or Federal Unemployment Compensation Law."

Sec. 19 further amended.

SEC. 2. That Section nineteen of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, be and the same is hereby further

amended by adding at the end of Subsection (g), Paragraph (7) two new clauses which shall be known and designated as Clause “(N)” and Clause “(O),” which said new clauses shall read as follows:

“(N) Except as provided in Paragraph (1) of Subsection (f) of Section nineteen of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, service covered by an election duly approved by the agency charged with the administration of any other State or Federal Unemployment Compensation Law in accordance with an arrangement pursuant to Subsection (1) of Section eleven of Chapter one of the Public Laws of the Extra Session of one thousand nine hundred and thirty-six, as amended, during the effective period of such election.

Certain service not deemed “employment” under Unemployment Compensation Law.

“(O) Notwithstanding any of the other provisions of this subsection, services shall be deemed to be in employment if with respect to such services a tax is required to be paid under any Federal law imposing a tax against which credit may be taken for contributions required to be paid into a State Unemployment Compensation Fund.”

Exception.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the date of ratification.

Ratified this the 6th day of March, 1943.

H. B. 370

CHAPTER 553

AN ACT AUTHORIZING COUNTIES TO PROMOTE AND PROTECT THE PUBLIC HEALTH BY THE DRAINAGE OF STREAMS, AND TO AUTHORIZE THE LEVY OF TAXES THEREFOR.

*The General Assembly of North Carolina do enact:*

SECTION 1. When the board of commissioners of any county subject to the provisions of this Act shall, by resolution duly adopted, find as facts: (a) That the cleaning out and draining of any portion of any non-navigable stream, creek or swamp area in such county is necessary and/or desirable to protect and promote the health of the citizens of such county, and (b) that the agricultural benefits which the lands along such stream or area might receive from such cleaning out and draining would be so negligible as not to justify the levying of any special assessments against such lands on account thereof, it may order, provide for, and accomplish the cleaning out and draining of such portion of such stream, creek or swamp area by, through, and under the supervision and jurisdiction of, the health depart-

Provision for cleaning and draining of streams, etc., under supervision of certain governmental agencies.

ment, or any sanitary committee, or any drainage commission, or other governmental agency or department, of such county.

Levy of tax for such purpose authorized.

SEC. 2. In order to carry out and accomplish the objects and purposes of this Act, the board of commissioners of any such county may annually levy and collect a county-wide tax not exceeding two cents (2¢) upon each one hundred dollars (\$100.00) in value of the taxable property in such county.

Act applicable to certain counties only.

SEC. 3. This Act shall apply only to those counties which may have a population in excess of one hundred thousand persons.

Pending litigation not affected.

SEC. 3½. That nothing in this Act shall apply to pending litigation.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 393

## CHAPTER 554

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AS AMENDED BY CHAPTER ONE HUNDRED AND ELEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE SALARY OF THE SHERIFF OF FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 215, Public-Local Laws, 1933, rewritten.

SECTION 1. That Chapter two hundred and fifteen of the Public-Local Laws of one thousand nine hundred and thirty-three as amended by Chapter one hundred and eleven of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out Section one thereof and inserting a new section to read as follows:

Allowance to Sheriff of Franklin County for maintenance of automobile.

“SECTION 1. That the Sheriff of Franklin County be allowed and paid from the general fund of Franklin County the sum of fifty (\$50.00) dollars per month for the purpose of maintenance and upkeep of his automobile used in connection with his duties as sheriff. Said monthly payments to begin and the first payment to be made as of February first, one thousand nine hundred and forty-three.”

Payments to begin February 1, 1943.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943

H. B. 580

## CHAPTER 555

AN ACT TO RELIEVE THE REGISTER OF DEEDS OF WILSON COUNTY OF THE DUTY OF REQUIRING A COPY OF THE REPORT OF THE CLERK OF THE SUPERIOR COURT WITH THE BOARD OF COUNTY COMMISSIONERS AS TO ALL PUBLIC FUNDS IN THE HANDS OF SAID CLERK OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, from and after the ratification of this Act, the Register of Deeds of Wilson County shall not be required to cause to be published the report of the clerk of the Superior Court, referred to in Consolidated Statutes nine hundred and fifty-seven.

Register of Deeds of Wilson County not required to publish report of C. S. C.

SEC. 2. That all laws and clauses of laws, whether the same be Public or Public-Local, in conflict with this Act be, and the same are hereby, repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 583

## CHAPTER 556

AN ACT TO APPOINT SEVEN MEMBERS TO THE BOARD OF EDUCATION OR IREDELL COUNTY FOR A TERM OF FOUR YEARS; TO LIMIT THE MEMBERSHIP OF SAID BOARD TO FIVE THEREAFTER AND TO MAKE THEIR TERMS OF OFFICE FOUR YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. C. D. Stevenson, C. H. Knox, S. H. Houston, W. C. Thompson, L. A. Pope, J. S. Dobson, and D. E. Hayes are hereby appointed members of the Board of Education of Iredell County and they shall serve for a term of four years each.

Certain persons appointed to Board of Education of Iredell County.

Term.

SEC. 2. The members of the Board of Education of Iredell County herein appointed shall qualify by taking the oath of office on or before the first Monday in April, one thousand nine hundred and forty-three, and shall hold office for a four year term or until their successors are elected and qualified.

Time of qualification.

SEC. 3. The Board of Education of Iredell County after the expiration of the terms of office of the members herein appointed, shall be composed of five members to be appointed by the General Assembly of one thousand nine hundred and forty-seven, and quadrennially thereafter, for a term of four years.

Board to be composed of 5 members after term of members herein appointed expires.

Application of Act.

SEC. 4. This Act shall apply to Iredell County only.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 595

CHAPTER 557

AN ACT FIXING THE TERMS OF OFFICE OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS, THE REGISTER OF DEEDS, THE TAX COLLECTOR, AND THE COUNTY SURVEYOR, AND TO EXTEND THE TERMS OF OFFICE OF THE PRESENT INCUMBENTS IN SAID OFFICES.

*The General Assembly of North Carolina do enact:*

Certain officers of Haywood County to be elected in 1946 and quadrennially thereafter.

SECTION 1. At the general election to be held in the year one thousand nine hundred and forty-six, and quadrennially thereafter, there shall be elected in Haywood County by the qualified voters thereof the following officers: A chairman of the board of county commissioners; two members of the board of county commissioners; a register of deeds; a tax collector, and a county surveyor.

Terms of office of certain incumbent officers extended.

SEC. 2. The terms of office of the incumbent chairman of the board of county commissioners, the two members of said board, other than the chairman, the register of deeds, the tax collector, and the county surveyor be, and they are hereby, extended to the first Monday in December, one thousand nine hundred and forty-six, and until their successors are elected and qualified.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 596

## CHAPTER 558

AN ACT TO REIMBURSE I. T. SHARPE OF FORSYTH COUNTY FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS ON MAY SEVENTH, ONE THOUSAND NINE HUNDRED AND FORTY-TWO.

WHEREAS, on May seventh, one thousand nine hundred and forty-two, a collision occurred between a school bus belonging to the State School Commission and a private automobile owned by I. T. Sharpe, of Forsyth County, North Carolina; and

Preamble:  
Collision between school bus and car of I. T. Sharpe.

WHEREAS, said collision was caused by the negligent operation of the school bus by the said bus driver; and

Caused by negligence of school bus driver.

WHEREAS, it appears that I. T. Sharpe has suffered damages to his automobile in the sum of at least fifty dollars (\$50.00) due to said collision and due to no fault on his part; and

Damages of Sharpe.

WHEREAS, the said I. T. Sharpe is not authorized by law to recover his loss by legal action against the State School Commission or the State of North Carolina; and

No remedy at law.

WHEREAS, there is no remedy available to said I. T. Sharpe to secure reimbursement for his loss and that it is just and proper that he be reimbursed for the loss sustained by him: Now, therefore,

Proper to reimburse Sharpe.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of I. T. Sharpe referred to above and, upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of the owner of said automobile, the State School Commission is authorized to pay I. T. Sharpe such sum not exceeding fifty dollars (\$50.00) as will reimburse him for the damage found to be thus sustained.

Reimbursement authorized upon certain findings.

Not to exceed \$50.00.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 635

CHAPTER 559

AN ACT TO PROVIDE THAT TAXES WHICH ARE THREE YEARS OR MORE DELINQUENT SHALL, WHEN COLLECTED, ACCRUE TO THE BENEFIT OF AND BE DEPOSITED IN THE GENERAL AND EDUCATION FUNDS OF MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

Certain taxes of Madison County to accrue to general fund.

SECTION 1. That the collections hereafter made of all ad valorem taxes levied by the Board of County Commissioners of Madison County, which at the beginning of any fiscal year were due and payable three years or more prior to such beginning of a fiscal year, shall accrue to the benefit of, and shall be deposited in, the general fund of said county: Provided, that not less than eight per centum of the amounts collected hereunder shall be paid into the education fund of the county.

Exception.

Application of Act.

SEC. 2. That this Act shall apply only to Madison County.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 639

CHAPTER 560

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AMENDATORY OF SECTION SIXTY-FIVE (a) OF THE CONSOLIDATED STATUTES, RELATING TO THE PAYMENT OF MONEY INTO THE OFFICE OF THE CLERK OF THE SUPERIOR COURT SO AS TO MAKE SAID SECTION APPLICABLE TO LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 383, Public Laws, 1939, amended to apply to Lenoir County.

SECTION 1. That Section one, Chapter three hundred and eighty-three, Public Laws of one thousand nine hundred and thirty-nine, is hereby amended by striking out the period at the end thereof, inserting a comma in lieu thereof, and adding "Lenoir."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 648

CHAPTER 561

AN ACT TO VALIDATE THE OFFICIAL ACTS OF THE BOARD OF COUNTY COMMISSIONERS OF YADKIN COUNTY RELATIVE TO CERTAIN INVESTMENTS OF SINKING FUNDS IN FORSYTH COUNTY REAL ESTATE.

WHEREAS, Chapter one hundred and nine of the Public-Local Laws of one thousand nine hundred and seventeen authorized the Commissioners of Yadkin County to issue bonds for road purposes, to provide for a sinking fund, et cetera, and Section five of said Act provides:

“That it shall be the duty of the Board of Commissioners of Yadkin County to annually invest any and all moneys arising from said special tax for sinking fund in the purchase of said bonds, if the same can be bought at a price advantageous to the county, and if not, then to invest said funds upon approved security and upon terms advantageous to the county. Said funds to be invested in Yadkin County if satisfactory and safe investment can be had.”; and

WHEREAS, since the passage of said Act the Commissioners of Yadkin County have invested sinking funds in mortgages on property in Forsyth County and upon default in same said property has been sold and purchased by Yadkin County and same is now an asset of the Yadkin County Sinking Fund: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the official acts of the Board of County Commissioners of Yadkin County in investing sinking funds in the mortgages and properties in Forsyth County be and the same are hereby validated, in order to remove any defect in title of same.

SEC. 2. That this Act shall not affect any pending litigation.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

Preamble:  
Commissioners of Yadkin County authorized to issue bonds for road purposes.  
Sinking fund provided.

Board authorized to invest sinking funds in purchase of said bonds.

Or in other approved security.

Sinking funds invested in mortgages on property in Forsyth County.  
Mortgages foreclosed and property purchased by Yadkin County.

Acts of Board in investing sinking funds in said mortgages and properties validated.

Pending litigation not affected.

Conflicting laws repealed.

## H. B. 650

## CHAPTER 562

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATIVE TO TENURE OF OFFICE OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF SPENCER.

*The General Assembly of North Carolina do enact:*

Sec. 5, Ch. 37,  
Private Laws,  
1905, being  
Charter of Town  
of Spencer,  
amended.

SECTION 1. Chapter thirty-seven of the Private Laws of one thousand nine hundred and five, as amended, the same being the Charter of the Town of Spencer, is hereby further amended by replacing the comma after the word "qualified" in the third line of Section five with a period, and striking out the remainder of the section. Section five is hereby further amended by adding the following sentence to the end of the section: "The term of office of the mayor and aldermen shall begin on July first next after their election."

Sec. 10 amended.

SEC. 2. Chapter thirty-seven of the Private Laws of one thousand nine hundred and five, as amended, is hereby also amended by striking out of Section ten the words, "on the third Monday in May next after the election," and inserting in lieu thereof the words, "on July first next after the election: Provided, that when July first falls on Sunday, said officers shall be installed at twelve o'clock, noon, on July second."

Terms of office  
of present Mayor  
and Board of  
Aldermen ex-  
tended.

SEC. 3. The term of office of the Mayor and six members of the Board of Aldermen of the Town of Spencer, who were elected in the general municipal election held in the year one thousand nine hundred and forty-one, shall be extended until July first, one thousand nine hundred and forty-three, or until their successors are elected and are qualified.

Purpose of Act.

SEC. 4. The purpose of this Act is to make the term of office of the Mayor and members of the Board of Aldermen of the Town of Spencer more closely conform with the municipal fiscal year.

Conflicting laws  
repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 673

## CHAPTER 563

AN ACT TO AMEND CHAPTER TWENTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE FIREMEN'S PENSION FUND OF THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by adding at the end of Subsection three the following:

Sec. 2, Ch. 26,  
Private Laws,  
1937, amended.

"Provided, however, that any member of the Wilmington Fire Department, who is entitled to relief as set forth in Chapter ninety-eight of the North Carolina Code, may apply to the Board of Trustees for the Firemen's Pension Fund of Wilmington, North Carolina, for such relief, and the Board of Trustees of the Firemen's Pension Fund of Wilmington, North Carolina may grant in addition to such fund that is authorized to be paid under Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven such additional fund for relief to said member as is in the opinion of the majority of the members of the said board of trustees may award."

Relief funds for  
certain members  
of Wilmington  
Fire Department.

SEC. 2. That Section seven, Subsection one of Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by striking out in line fourteen of said subsection, after the word "retirement," the semi-colon, and inserting in lieu thereof, a period, and striking out the balance of said subsection.

Sec. 7 amended.

SEC. 2½. That Section seven, Subsection two, Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by striking out in line thirteen after the word "retirement" the comma, and inserting in lieu thereof a semicolon, and by striking out in lines thirteen and fourteen the following words: "however, not to exceed the sum of ninety (\$90.00) dollars per month."

Sec. 7 further  
amended.

SEC. 3. That Section seven of Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by adding at the end of Subsection two the following:

Sec. 7 further  
amended.

"Provided, that any member of the Fire Department of the City of Wilmington who has served in said department for a period of ten years and shall become more than fifty per cent disabled, either mentally or physically, so as to be unfit to perform his duties as a fireman, shall be retired and his name placed upon the pension roll and he shall receive a pension of fifty per cent of the amount of pension which he would be entitled to receive if he, the member, retired at twenty years of

Pension for cer-  
tain disabled  
firemen.

service; the amount of pension which the said member shall receive is to be computed upon the average amount of salary received by such member from the fire department during the preceding six months before his retirement.

Pension for disabled firemen with more than ten years service.

“In the event a member of the fire department has served in the fire department for more than ten years and less than twenty years, and shall become more than fifty percent disabled, either mentally or physically, so as to be unfit to perform his duties as a fireman, he shall be retired and his name placed upon the pension roll, and he shall receive as a pension, in addition to the amount allowed him for ten years service in the fire department, an amount graduated as of years of service up to twenty years of service in the fire department; however, in no event shall the amount of pension exceed fifty per cent of the salary that such member was receiving from the fire department at the time of his disability and retirement.”

Rate not to exceed 50% of salary at time of disability.

Sec. 7 further amended.

SEC. 4. That Section seven of Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven be amended by adding at the end of Subsection four the following:

Payments to undertaker where there is no widow or dependent beneficiary.

“Provided, if there be no widow or dependent beneficiary, then the said two hundred dollars (\$200.00) or as much thereof as is necessary to be paid to the undertaker or mortician who funeralizes the said deceased member.”

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 676

## CHAPTER 564

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, RELATING TO THE METHOD OF PAYMENT OF THE WHOLESALE TAX ON WINE.

*The General Assembly of North Carolina do enact:*

Sec. 517, Ch. 158, Public Laws, 1939, amend.d.

SECTION 1. That Section five hundred and seventeen of Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be further amended by striking out the last two paragraphs of Subsection (r) and inserting in lieu thereof the following:

"These additional taxes levied under this subsection shall be paid to the Commissioner of Revenue by the wholesale distributor or bottler of such beverages.

Taxes hereunder to be paid by wholesale distributor or bottler.

"Reports shall be made to the Commissioner of Revenue in such form as he may prescribe, on or before the tenth day of each month, for all beverages sold by such wholesale distributor or bottler within the preceding month, and such reports when filed shall be accompanied by a remittance of the amount of tax shown to be due. Failure to file the reports herein prescribed and pay the tax as shown to be due thereon shall subject such wholesale distributor or bottler to a penalty of five per centum of the amount of the tax due, per month from the date the tax is due.

Reports to Commissioner of Revenue.

Contents.

Payment of tax.

Penalty for failure to file report or pay tax.

"If the wholesale distributor or bottler shall refuse to make the reports required under this section, then such reports shall be made by the commissioner or his duly authorized agents from the best information available, and such reports shall be prima facie correct for the purposes of this section, and the amount of tax due thereby shall be a lien against all the property of the taxpayer until discharged by payments, and if payment is not made within thirty days after demand therefor by the commissioner or his duly authorized agents, there shall be added not more than one hundred per centum as damages, together with interest at the rate of one per centum per month from the time such tax was due. If such tax be paid within thirty days after notice by the commissioner, then there shall be added not more than ten per centum as damages, per month from the time such tax was due until paid.

Report by commissioner where distributor refuses.

Lien of tax.

Addition of damages if not paid in 30 days.

Damages where paid within 30 days.

"The commissioner for good cause may extend the time for making any report required under the provisions of this section, and may grant such additional time within which to make such report as he may deem proper, but the time for filing any such report shall not be extended beyond the fifteenth day of the month next succeeding the regular due date of such report. If the time for filing a report be extended, interest at the rate of one half of one per centum per month from the time the report was required to be filed to the time of payment shall be added and paid.

Extensions for making report.

Limitation.

Interest when time extended.

"The taxes levied in this section are in addition to the taxes levied in Schedule E of this Act."

Taxes additional to sales tax.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after April the first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 6th day of March, 1943.

## H. B. 677

## CHAPTER 565

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, THE SAME BEING THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE TAX ON UNFORTIFIED WINES.

*The General Assembly of North Carolina do enact:*

Sec. 517 (r),  
Ch. 158, Public  
Laws, 1939,  
relating to tax on  
unfortified wines,  
amended.

SECTION 1. That the first paragraph of Subsection (r) of Section five hundred and seventeen of Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended, is hereby further amended by changing the words and figures "ten cents (10¢)" to "twenty cents (20¢)."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after April the first, one thousand nine hundred and forty-three.

Ratified this the 6th day of March, 1943.

## H. B. 682

## CHAPTER 566

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATIVE TO THE CONVEYANCE OF THE POWELLS POINT SCHOOL PROPERTY BY THE BOARD OF EDUCATION OF CURRITUCK COUNTY FOR USE AS A COMMUNITY CENTER.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 258,  
Public-Local  
Laws, 1941,  
amended.

SECTION 1. That Section one, of Chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and forty-one, be, and the same is hereby, amended by striking out the following words appearing in line five of said section: "or such portion thereof as is necessary."

Sec. 2 rewritten.

SEC. 2. That Section two of Chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and forty-one be amended to read as follows:

Certain property  
in Currituck  
County to revert  
to Board of  
Education if not  
used as com-  
munity center.

"SEC. 2. That should said property at any time cease to be used as a community center, the same shall revert to, and become the property of, the Board of Education of Currituck County."

SEC. 3. That Section three, Chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and forty-one, be amended by inserting between the word "be" and the comma immediately following said word in line two of said section the following:

"Mrs. Norris Sawyer and Mrs. Alton Newbern," and by striking out the word "and" appearing in line one of said section between the name J. G. Twiford and the name T. S. Harrell, Jr., and inserting a comma following the name J. G. Twiford.

SEC. 4. That Chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby, amended by adding a new section following Section four, to be designated as Section four (a) as follows:

"SEC. 4 (a) That the Board of Education of Currituck County shall have until June first, one thousand nine hundred and forty-three, in which to remove from the property hereinbefore described the building known as the old Harbinger School Building. If said board of education fails to remove said building prior to June first, one thousand nine hundred and forty-three, the board of trustees herein named shall have the right to remove said building or dispose of same in any manner they may see fit and the Board of Education of Currituck County shall have no right, title, or interest therein."

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

Sec. 3, as to the appointment of trustees to hold certain property, amended.

Ch. 258, Public-Local Laws, 1941, amended.

Time for removal of Harbinger School Building.

Conflicting laws repealed.

H. B. 695

## CHAPTER 567

AN ACT TO AUTHORIZE THE CONVEYANCE OF REAL PROPERTY, THE TITLE TO WHICH IS VESTED IN THE CITY OF GREENSBORO, BUT WHICH IS HELD AS AN INVESTMENT IN THE SINKING FUND OF THE CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the City Council of the City of Greensboro is hereby authorized and empowered to convey any part of, or all, real property, the title to which is vested in the City of Greensboro, but which is held as an investment in a sinking fund of the City of Greensboro, to a trustee, whose duty it shall be to hold title to such real property subject to disposition as hereinafter provided.

Conveyance of lands in sinking fund of City of Greensboro to a trustee.

Method of purchasing said lands from trustee by city provided.

SEC. 2. That the City Council of the City of Greensboro is hereby authorized and empowered to provide by resolution for the purchase by the city from the trustee any part or all of the real property held by the trustee, as provided in Section one hereof, by depositing to the credit of such sinking fund the fair market value of such property which shall be determined as follows:

Method of determining value.

The city council shall appoint two disinterested freeholders of the city as appraisers and the two appraisers so appointed shall appoint a third appraiser, and the three appraisers shall constitute a board of appraisers whose duty it shall be to determine the fair market value of such property.

City Council authorized to provide for sale of said lands.

SEC. 3. That the City Council of the City of Greensboro is hereby authorized and empowered to provide by resolution for a sale of any part or all of such real property held by the trustee as provided in Section one hereof, as prescribed by Section seventy-nine (c) of the Charter of the City of Greensboro. The proceeds from such sale, after deducting the cost thereof, shall be deposited to the credit of such sinking fund.

Disposition of proceeds of sale.

Conveyance by trustee upon authorization.

SEC. 4. That the trustee herein provided for shall make a conveyance of such real property in accordance with the resolution or resolutions of the City Council of the City of Greensboro.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 696

CHAPTER 568

AN ACT TO AUTHORIZE CARTERET COUNTY, NORTH CAROLINA, TO ACQUIRE LANDS FOR AN AIRPORT, OR LANDING FIELD, IN CONNECTION WITH CIVILIAN DEFENSE, AND GENERAL USES.

Preamble:  
Carteret County owns airport used in connection with war services.

WHEREAS, Carteret County now owns and has leased to Civil Air Patrol, and/or United States Navy Department, certain lands formerly known as "West Beaufort," upon which is being operated an airport, or landing field, in connection with war services; and

Acquisition of certain adjacent lands proposed.

WHEREAS, it is proposed that Carteret County acquire additional lands adjoining and/or adjacent to its present holdings, upon the condition that the Civil Aeronautics Authority or other United States governmental agency will extend, reconstruct and improve the airport or landing field on said lands and additions thereto: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That, in addition to the powers conferred by Section six of Chapter eighty-seven, Public Laws of one thousand nine hundred and twenty-nine, Carteret County is hereby vested with the powers of acquisition of land and appurtenances, adjacent and additional to its said lands now used, in part, as an airport, as aforesaid, as is prescribed in Section three thousand eight hundred and forty-six (bb) of Volume three of the Consolidated Statutes, as amended: Provided, that said county will first undertake to acquire said lands and appurtenances, by purchase from the owners thereof, and then if said county and owners are unable to agree as to the price thereof, the said County of Carteret is hereby vested with the power to condemn the said lands, roads, ways and approaches, using, as nearly as same is applicable, the provisions of Chapter thirty-three of the Consolidated Statutes, entitled "Eminent Domain"; and in case condemnation shall become necessary, the said county is authorized to enter upon the said lands and appurtenances, take possession of the same, either at or prior to the bringing of the proceeding for condemnation, and prior to the payment of the money for said lands; and in event of appeal from the report of the commissioners by the owners, it shall not be necessary or required for the county to deposit with the clerk of the court the money assessed, but it may proceed and use the properties to be condemned until the final determination of the proceeding or action.

Acquisition of said lands authorized.

By purchase if possible.

Otherwise by condemnation.

Taking possession prior to condemnation proceeding authorized.

Deposit not required by county on appeal.

Use of properties pending appeal.

SEC. 2. The power to acquire lands by condemnation herein granted shall embrace the power to acquire by condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard, or cemetery located or situate upon the said lands, found to be necessary to be acquired for the purposes herein authorized; and, in the event any grave is located on such lands, it shall be lawful for said county, after notice to next of kin of the deceased, or to the person in control of such grave, if known, and if not known, then after publishing a notice for two weeks in some newspaper published in Carteret County, to remove said bodies or parts remaining, and anything interred therewith, to some cemetery or other suitable place in said county to be selected by the next of kin, or the welfare officer, or by the clerk of the Superior Court of said county, in the order named, the removal of bodies and contents of the grave to be so effected as to leave the new grave in as good condition as the former one. Such work shall be done under the supervision of the welfare officer, or the clerk of the Superior Court, of said county, in the order stated. All expense connected with the work to be borne by the county.

Extent of powers herein granted.

Procedure as to condemnation of cemeteries, etc.

Expense borne by county.

SEC. 3. That said Carteret County is authorized and empowered to lease said properties to any agency or department of the Federal Government upon such terms and conditions as said

Leasing of said properties to agency of Federal Government authorized.

governing body of said county may determine to be advantageous and to the best interests of the county, for the development and operation thereof.

Closing, abandonment, etc., of certain roads, streets, etc., authorized.

This power in addition to authorizations of Ch. 250, Public Laws, 1941.

Conflicting laws repealed.

SEC. 4. That said Carteret County may change, alter, close, cause to be abandoned, or discontinue any streets, roads, ways or approaches on, or connected with, said lands by it so owned or acquired as hereby authorized; and this power is supplemental and in addition to the authorizations of Chapter two hundred and fifty of the Public Laws of one thousand nine hundred and forty-one.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 705

## CHAPTER 569

### AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF CHARITIES AND PUBLIC WELFARE IN BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of Board of Charities and Public Welfare of Brunswick County.

Mileage.

Conflicting laws repealed.

SECTION 1. Members of the County Board of Charities and Public Welfare of Brunswick County shall receive as compensation for their services and expenses the sum of three dollars (\$3.00) for each meeting of the board which they attend and mileage at the rate of five cents (5¢) per mile going to and returning from each meeting.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 723

## CHAPTER 570

### AN ACT RELATING TO THE CLERK OF THE SUPERIOR COURT OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

Ch. 49, Public-Local Laws, 1933, amended.

SECTION 1. That Chapter forty-nine, Public-Local Laws of one thousand nine hundred and thirty-three be amended by striking out in Section two, lines three and four the words, "two thousand five hundred" and inserting in lieu thereof the words, "three thousand."

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 6th day of March, 1943.

H. B. 727

CHAPTER 571

AN ACT FOR THE BEAUTIFICATION AND MAINTENANCE OF CEMETERIES WITHIN THE TOWN OF GRAHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. The municipality of the Town of Graham and the duly constituted church and/or cemetery officials who may be in possession and control of cemeteries located within the said town are authorized and empowered to lay out walkways and driveways and clean up and straighten those already therein through said cemeteries, align up the monuments and markers in conformity therewith and reset and straighten such monuments and markers, level off and grade said walks, driveways and cemetery plats, and do any and all other things necessary in order to take proper care of and beautify all such cemeteries, and otherwise lay out and improve the grounds thereof in order that said cemeteries may be kept up and kept clean and the graves therein properly marked and located, and the expense of the maintenance of said cemeteries thereby reduced.

Certain acts authorized for care and beautification of cemeteries in Town of Graham.

SEC. 2. The governing body of the said municipality shall consult with and secure the approval of the duly constituted church and/or cemetery officials who may be in charge of such cemeteries to be improved by their proceeding under the provisions of this Act; and the governing body of the said municipality and the officials of any such cemetery proposed to be improved and maintained may determine the nature and extent of the work to be done and the cost to be incurred therefor, and in what proportion the same shall be paid by the said municipality and by the said cemetery authorities; and the said municipality may thereupon pay such part of the cost as it may have agreed to pay.

Governing body to secure approval of cemetery officials.

Determination of extent of work, cost, etc.

Municipality to pay part of cost.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 735

CHAPTER 572

AN ACT TO AUTHORIZE THE TRUSTEES OF GREENSBORO CITY ADMINISTRATIVE UNIT TO SELL UNNECESSARY PUBLIC SCHOOL PROPERTY AND DISPOSE OF THE PROCEEDS.

*The General Assembly of North Carolina do enact:*

Sale of certain property of Greensboro City Administrative Unit.

At public auction.

Deeds.

Trustees may reject bids.

Application of proceeds of sale.

Conflicting laws repealed.

SECTION 1. That when in the opinion of the Trustees of the Governing Board of Greensboro City Administrative Unit, any schoolhouse, schoolhouse site, or other public school property, real or personal, the title of which is in said trustees, is unnecessary for public school purposes, said trustees may sell the same at public auction, in accordance with the law of North Carolina governing execution sales; and the deed or bill of sale for said property shall be executed by the trustees aforesaid: Provided, the trustees in their discretion shall have the right to reject any and all bids offered for said property.

SEC. 2. That the proceeds of said sale shall be applied, either to the payment of the bonded indebtedness of said Administrative Unit, or of the bonded indebtedness of the City of Greensboro created for school purposes, or to the purchase of additional property for the use of the public schools of said Administrative Unit: Provided, however, the disposition of said proceeds must be made with the approval of both, the Board of Trustees of said Administrative Unit, and the Board of Commissioners of Guilford County.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from its ratification.

Ratified this the 6th day of March, 1943.

H. B. 736

CHAPTER 573

AN ACT TO VALIDATE CERTAIN APPROPRIATIONS AND PAYMENTS MADE BY OFFICIALS OF GUILFORD COUNTY TO GUILFORD COUNTY WAR PRICE AND RATIONING BOARD AND THE CIVILIAN DEFENSE VOLUNTEER OFFICE OF GUILFORD COUNTY AND TO AUTHORIZE SUCH APPROPRIATIONS AND PAYMENTS UNTIL JULY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-FIVE.

Preamble:  
Appropriation by County Commissioners of Guilford County for Civilian Defense office.

WHEREAS, the County Commissioners of Guilford County for the fiscal year one thousand nine hundred and forty-two and one thousand nine hundred and forty-three appropriated one thousand dollars (\$1,000.00) for the use of the civilian defense

volunteer office, and one thousand and five hundred dollars (\$1,500.00) for the use of the Guilford County War Price and Rationing Board; and

Appropriation for War Price and Rationing Board.

WHEREAS, the Treasurer of Guilford County has paid a considerable portion of both appropriations; and

Portion of appropriations paid.

WHEREAS, doubt has arisen as to the power of said commissioners to make said appropriations, and of the treasurer to pay same; and

Doubt as to power to make said appropriations.

WHEREAS, emergencies may arise in the future in which it will be necessary for the County of Guilford to make appropriations for organizations caring for civilian defense, the rationing of gasoline, oil, food products and other necessities of life and for similar purposes: Now, therefore,

Appropriations for civilian defense and rationing may be necessitated in future.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the action of the County Commissioners of Guilford County in making the appropriations aforesaid to the civilian defense volunteer office and to the Guilford County War Price and Rationing Board, and the treasurer in paying the same, are hereby in all respects approved, confirmed, and validated; and the payment of the remainder of the appropriations authorized.

Appropriations validated.

SEC. 2. That for the duration of the war and until July first, one thousand nine hundred and forty-five, the Board of County Commissioners of Guilford County, in their discretion, may make appropriations for the use and benefit of civilian defense volunteer office, war price and rationing board and similar organizations which in the opinion of said commissioners are useful and necessary for the protection and well being of the citizens of Guilford County, and pay the same from the current operating expense fund.

Future appropriation for said purposes authorized.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 743

## CHAPTER 574

AN ACT TO REPEAL CHAPTER NINE, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND SEVENTEEN RELATING TO THE CORPORATE LIMITS OF THE TOWN OF FRANKLIN.

*The General Assembly of North Carolina do enact:*

Ch. 9, Private Laws, 1917, relating to corporate limits of Town of Franklin, repealed.

SECTION 1. That Chapter nine of the Private Laws of one thousand nine hundred and seventeen relating to the corporate limits of the Town of Franklin be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 744

## CHAPTER 575

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO THE ESTABLISHMENT OF A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF HIGH POINT.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 293, Public-Local and Private Laws, 1941, amended.

SECTION 1. That Section four of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by striking out the first portion thereof down to the words "Provided, however" in line eight thereof, and inserting in lieu thereof the following:

Retirement benefits for members of Fire Department of City of High Point.

Amount.

"SEC. 4. That any full time paid member of said department who retires, or is retired, under the provisions of Section three of this Act, shall receive monthly for the remainder of his life from said pension fund an amount equal to one twelfth ( $\frac{1}{12}$ ) of three and one half per centum ( $3\frac{1}{2}\%$ ) of the total salary that he has received for his period of service, or the last twenty years thereof, whichever is the shorter, which said sum shall be paid monthly by the custodian of said pension fund:"

Sec. 6 amended.

SEC. 2. That Section six of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by striking out the first portion thereof down to the words

“provided, however,” in line eleven thereof, and inserting in lieu thereof the following:

“SEC. 6. That in the event any full time paid member of the High Point Fire Department shall hereafter become disabled from injury or disease, which the board of examiners shall find was not proximately caused while acting in the line of his duties, and is unable to work, he shall receive monthly therefor one twelfth ( $\frac{1}{12}$ ) of three and one half per centum ( $3\frac{1}{2}\%$ ) of his total earnings as a full time paid member of said department from the beginning of his full time paid employment until the time of his disability, or for the last twenty years of his full time paid employment, whichever is the shorter, such monthly payments to be made as long as his disability continues.”

Benefits for disability not caused while in line of duty.

Amount.

SEC. 3. That Section ten of Chapter two hundred and ninety-three of the Public-Local and Private Laws of North Carolina, Session one thousand nine hundred and forty-one, be amended by inserting the words “four hundred” between the word “thousand” and the word “and” in line eight thereof.

Sec. 10 amended.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 745

CHAPTER 576

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO THE GREENSBORO POLICEMEN'S RETIREMENT FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Section three, line three, of Chapter one hundred and sixty-four of the Private Laws of one thousand nine hundred and twenty-nine by adding between the word “Greensboro” and the word “and” the following:

Sec. 3, Ch. 164, Private Laws, 1929, relating to Greensboro Policemen's Retirement Fund, amended.

“the Chief of Police of the City of Greensboro and one member of the Greensboro Police Department who shall serve for a period of one year, to be elected at the first meeting of the police club in April of each year.”

SEC. 2. That this Act shall apply only to Guilford County.

Application of Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 746

CHAPTER 577

AN ACT TO PERMIT THE COUNTY OF DURHAM AND THE CITY OF DURHAM TO ACCEPT DEEDS FOR REAL ESTATE IN PAYMENT OF TAXES AND SPECIAL ASSESSMENTS DUE THEREON IN LIEU OF FORECLOSURE OF THE TAX LIEN OR SPECIAL ASSESSMENT LIEN, AND TO RESELL SUCH PROPERTY.

*The General Assembly of North Carolina do enact:*

Acceptance of lands in payment of past due taxes thereon by Durham County.

SECTION 1. When the taxes upon any real property in the County of Durham are past due and unpaid to the County of Durham, and the owner or owners thereof offer to convey such real property to the county, the Board of Commissioners of the County of Durham is authorized to accept the deed for such real property in payment of the taxes to the said county, and to pay the necessary expense of procuring and recording such deed.

Acceptance of lands in payment of past due taxes and assessments thereon by City of Durham.

SEC. 2. When the taxes or any special assessments upon any real property in the City of Durham are past due and unpaid, and the owner or owners thereof offer to convey such real property to the said City of Durham, the City Council of the City of Durham is authorized to accept the deed for such real property in payment of the taxes and special assessments due the said city, and to pay the necessary expense of procuring and recording such deed.

Lien of other taxing unit not affected by conveyance.

SEC. 3. The acceptance of such deed by the Board of Commissioners of the County of Durham or by the City Council of the City of Durham shall not interfere with the lien for taxes or assessments due any taxing unit other than the unit whose governing body accepts such deed, and shall not interfere with any other valid recorded lien on such real property at the time of the execution of such deed. Any real property so conveyed to the County of Durham or to the City of Durham may be resold by such unit at any time to such person or persons and for such price as the governing body of such taxing unit offering the said property for sale may approve.

Other liens.

Sale of property so acquired.

Conflicting laws repealed.

SEC. 4. All laws in conflict herewith are hereby repealed.

SEC. 5. This Act shall become effective from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 747

## CHAPTER 578

## AN ACT GOVERNING THE REGISTRATION AND PRESERVATION OF MAPS, PLATS, OR OTHER DRAWINGS OF LANDS IN LINCOLN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That, in order to preserve permanently and to have a uniform size for all maps, plats, or other drawings of lands required or desired to be registered or filed as a part of the records of the Register of Deeds Office for Lincoln County, said maps, plats, or other drawings, blue prints or photostatic prints shall be prepared upon cloth or mounted upon cloth to be furnished by the register of deeds of said county, and to be in size eighteen inches wide, twenty-four inches long, the actual drawing not to be over twenty-two and one half inches long by eighteen inches wide, so that a margin of one and one half inches shall be left at the left side when said map, plat, or other drawing is right side up, for the purpose of binding in a book.

Requirements as to blue prints and maps to be registered in Lincoln County.

SEC. 2. That the register of deeds shall collect a registration fee of not more than two dollars (\$2.00) for each map for the filing or registration of such maps, plats, blue prints, or other drawings as provided in Section one, said fee to provide for the cost of the sheet or material upon which such map, plat or other drawing shall be made.

Registration fee.

SEC. 3. That any map, plat, or other drawing to be filed or registered, which cannot be drawn upon one sheet, as provided in Section one, may be drawn upon additional sheets, as provided in Section one, and numbered A, B, C, et cetera, the registration fee to be two dollars (\$2.00) per map.

Provision for map on more than one sheet.

SEC. 4. That the register of deeds shall preserve said maps, plats or other drawings in books to be made for the purpose, which books shall be kept as permanent records in his office; that worn or faded maps, plats or other drawings may be transcribed or reproduced on sheets as provided in Section one.

Provisions for preservation of maps, etc.

SEC. 5. The register of deeds shall not accept or be required to file or register any map, plat, or other drawing unless it complies with Sections one and three of this Act.

Register of Deeds not required to register certain maps.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 748

## CHAPTER 579

## AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY.

*The General Assembly of North Carolina do enact:*

Compensation of members of Board of County Commissioners of Lincoln County.

Compensation of Chairman.

Limitation on per diem allowances.

Exception.

Conflicting laws repealed.

SECTION 1. That the members of the Board of County Commissioners of Lincoln County, exclusive of the chairman, shall receive from the general funds of said county, as full compensation for their services, the sum of ten dollars (\$10.00) for each day necessarily spent on county business, plus five cents (5¢) per mile necessarily traveled in going to and from the place where such business is transacted. The chairman of said board shall receive from the general funds of said county the sum of thirty dollars (\$30.00) each month, which shall constitute his full compensation and he shall not be entitled to be paid on a per diem basis. The board shall not receive said per diem allowance for more than two days in any one month: Provided, that this shall not be construed to apply to meetings in which said board is sitting as county board of equalization and review, and said commissioners shall receive the regular per diem allowance for traveling expenses, as provided above, for all days necessarily spent in performing the work of the board of equalization and review.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 751

## CHAPTER 580

## AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF GATES COUNTY TO FILL VACANCIES OCCURRING IN THE OFFICES OF JUDGE AND SOLICITOR OF THE GATES COUNTY RECORDER'S COURT.

*The General Assembly of North Carolina do enact:*

Substitute for Judge or Solicitor of Gates County Recorder's Court.

Compensation.

SECTION 1. That if and when the Judge or Solicitor of the Gates County Recorder's Court is unable by reason of sickness to perform his duties during the sitting of said court, the Clerk of the Superior Court of Gates County is hereby authorized, empowered and directed to appoint some suitable person who shall act in the capacity of judge or solicitor during the sickness of the regular judge or solicitor. The person so appointed shall receive as compensation the same compensation

that the regular judge or solicitor, as the case may be, would have received during that period of time. The regular judge or solicitor shall receive no compensation whatsoever during his illness and absence from court.

No compensation to regular Judge or Solicitor when absent.

SEC. 2. That in case of a vacancy in the office of Judge or Solicitor of the Gates County Recorder's Court by reason of the death, resignation or removal of the judge or solicitor of said court, the Clerk of the Superior Court of Gates County is hereby authorized, empowered and directed to appoint some suitable person to fill such vacancy. The person so appointed shall receive as compensation the same amount that the judge or solicitor would have received had he not resigned or been removed from such office.

Vacancies.

Compensation.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 752

## CHAPTER 581

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GATES COUNTY TO PAY A SUM NOT TO EXCEED FOUR HUNDRED DOLLARS (\$400.00) PER ANNUM TO THE REGISTER OF DEEDS FOR CLERICAL ASSISTANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Gates County is hereby authorized and empowered to pay such sum or sums of money, not to exceed four hundred dollars (\$400.00) per annum, as it may deem necessary, to the Register of Deeds of Gates County for hire of clerical assistants.

Clerical hire for Register of Deeds of Gates County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 754

## CHAPTER 582

AN ACT TO REPEAL SECTIONS TWO THOUSAND AND SIXTEEN, TWO THOUSAND AND SEVENTEEN, TWO THOUSAND AND EIGHTEEN AND TWO THOUSAND AND NINETEEN OF THE CONSOLIDATED STATUTES, RELATING TO FISHING ON THE SCUPPERNONG RIVER.

*The General Assembly of North Carolina do enact:*

C. S. 2016, C. S. 2017, C. S. 2018, C. S. 2019, repealed.

SECTION 1. Sections two thousand and sixteen, two thousand and seventeen, two thousand and eighteen and two thousand and nineteen of the Consolidated Statutes are hereby repealed.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 755

## CHAPTER 583

AN ACT REQUIRING THE COUNTY ACCOUNTANT OF CHEROKEE COUNTY TO COLLECT DELINQUENT TAXES.

*The General Assembly of North Carolina do enact:*

County Accountant of Cherokee County to be delinquent tax collector.

SECTION 1. That from and after the ratification of this Act the County Accountant of Cherokee County shall be ex officio delinquent Tax Collector of Cherokee County, and it shall be his duty as county accountant to make diligent effort to collect all delinquent taxes due Cherokee County, whether represented by tax sale certificates or otherwise.

Duties.

Bond.

SEC. 2. That the said county accountant shall give such bond as the board of county commissioners may require, in an amount to be fixed by the board, for the faithful accounting for and paying over of all such delinquent taxes collected by him, and the premium on such bond shall be paid by the County of Cherokee.

Amount.

Payment of premium by county.

Certain tax sale certificates, etc., to be delivered to County Accountant.

SEC. 3. That upon the ratification of this Act it shall be the duty of each and every person having in his possession, or under his control, any tax sale certificates and tax receipts representing delinquent taxes due Cherokee County for the year one thousand nine hundred and forty-one, and all prior years, forthwith to turn over and deliver to the County Accountant of Cherokee County all such tax sale certificates and tax receipts, whether in suit or otherwise.

SEC. 4. That each year hereafter when the sheriff and tax collector makes settlement with the Board of County Commissioners of Cherokee County on current taxes, the said board shall immediately turn over to the county accountant for collection all delinquent taxes with which it has credited the sheriff and tax collector in such settlement, whether represented by tax receipts, tax sale certificates or otherwise.

Delinquent taxes to be turned over to County Accountant for collection.

SEC. 5. That the said County Accountant of Cherokee County, for the purpose of enabling him to collect all delinquent taxes due Cherokee County, is hereby vested with all the power now by the general laws of the State conferred on persons authorized by law to collect delinquent taxes.

Powers vested in County Accountant.

SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 760

## CHAPTER 584

AN ACT TO AUTHORIZE THE SHERIFF OF SURRY COUNTY, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE, AND TO PROVIDE FOR THE COMPENSATION OF SAID CLERICAL ASSISTANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Sheriff of Surry County, with the approval of the Board of Commissioners of Surry County, is hereby authorized to employ additional clerical assistance, if he deem it necessary, and the board of county commissioners is hereby authorized to appropriate from the general fund of the county an amount not to exceed nine hundred dollars (\$900.00) per annum as compensation for said clerical assistance, which amount shall be paid out in monthly installments.

Clerical assistance for Sheriff of Surry County authorized.

Appropriation for compensation authorized.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 6th day of March, 1943.

## H. B. 761

## CHAPTER 585

AN ACT TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT OF SURRY COUNTY TO EMPLOY AN ADDITIONAL DEPUTY CLERK AND TO PROVIDE FOR THE COMPENSATION OF SAID DEPUTY CLERK.

*The General Assembly of North Carolina do enact:*

Employment of Deputy C. S. C. of Surry County authorized.

SECTION 1. The Clerk of the Superior Court of Surry County with the approval of the board of county commissioners is hereby empowered to employ an additional deputy clerk, and the Board of Commissioners of Surry County is hereby empowered to appropriate from the general fund of the county an amount not to exceed nine hundred and sixty dollars (\$960.00) per annum as compensation for said additional deputy clerk, which amount shall be paid out in monthly installments.

Appropriation for compensation authorized.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Ratified this the 6th day of March, 1943.

## H. B. 766

## CHAPTER 586

AN ACT TO REDUCE THE SALARY OF THE COUNTY ATTORNEY AND TO PROHIBIT THE COLLECTION OF COMMISSIONS ON DELINQUENT TAX SALES IN FRANKLIN COUNTY.

Preamble:  
Salary of County Attorney of Franklin County as county attorney and solicitor of Recorder's Court.

WHEREAS, the Board of County Commissioners of Franklin County are now paying the County Attorney of Franklin County for his services on a part time basis, as county attorney and as solicitor of the recorder's court of said county, the sum of two thousand and four hundred dollars (\$2,400.00) per year; and

Salary out of proportion to services.

WHEREAS, said two thousand and four hundred dollars (\$2,400.00) per year so paid is out of proportion to the services rendered and to salaries paid by adjoining counties and other counties of like size in the State; and

Reduction of said salary beneficial to taxpayers.

WHEREAS, in the interest of economy and for the benefit of the taxpayers of said county it is desirable that the salary of the county attorney be reduced in order to thus effect a savings to the taxpayers of said county: Now, therefore,

Salary in excess of \$1500.00 for County Attorney and Solicitor of Recorder's Court prohibited.

*The General Assembly of North Carolina do enact:*

SECTION 1. That from and after March first one thousand nine hundred and forty-three, the Commissioners of Franklin

County shall not pay a total salary for said position of County Attorney and Solicitor of the Recorder's Court of Franklin County, and for other clerical services of whatever nature and kind performed by said county attorney, in excess of the sum of one thousand and five hundred dollars (\$1,500.00) per year for said services but said commissioners are hereby expressly authorized to pay a less amount for said services of said county attorney in their discretion.

Less amount authorized.

SEC. 2. That it shall be unlawful for the county attorney to charge on any delinquent taxes due to the County of Franklin or on any tax suit brought by the County of Franklin any extra fees, commissions or percentage of said taxes due said county against said taxpayers unless said extra fees, commissions or percentage is first approved by the court.

Unlawful for County Attorney to charge fees for tax suits, etc., unless approved by Court.

That in order to reduce the cost to the taxpayers on all tax sales brought by Franklin County the County Attorney, County Auditor or one of the Commissioners of Franklin County in the discretion of the Board of Commissioners of Franklin County, shall be appointed as commissioner by the court to sell said land for delinquent taxes and the court shall not allow any commission to said commissioner so appointed for the purpose of making said tax sale.

Certain county officers to be commissioners to sell land for delinquent taxes.

No commission for making sale.

SEC. 3. Nothing in this Act shall be construed to place any cost of said tax sale upon Franklin County and the actual court cost of said tax sale shall be paid wholly by the delinquent taxpayer.

Cost of tax sale on delinquent taxpayer.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 767

CHAPTER 587

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SEVEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE TERMS OF THE SUPERIOR COURT IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and sixty-seven of the Public Laws of one thousand nine hundred and forty-one, Section one (c), relating to the terms of the Superior Court in Wake County, be amended as follows:

Sec. 1(c), Ch. 367, Public Laws, 1941, relating to terms of Superior Court in Wake County, amended.

In the sixth line of Section one (c) change the word "fifth" to "fourth."

In the tenth line of Section one (c) change the word "fifth" to "fourth."

In the nineteenth line of Section one (c) change the word "third" to "second," and strike out the word "three" in line twenty and insert "two."

Conflicting laws repealed.

SEC. 2. That all laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

## H. B. 772

## CHAPTER 588

### AN ACT TO DECLARE VALID AND LEGAL THE PROCEEDINGS ADOPTED BY THE BOARD OF COMMISSIONERS OF WAYNE COUNTY WITH RESPECT TO THE INCLUSION OF WAYNE COUNTY INTO THE MUNICIPAL CORPORATE BODY AND TERRITORIAL JURISDICTION OF THE EASTERN CAROLINA REGIONAL HOUSING AUTHORITY.

Preamble:  
Eastern Carolina  
Regional Housing  
Authority created.

WHEREAS, the Eastern Carolina Regional Housing Authority has been created and established pursuant to Chapter seventy-eight of the Public Laws of one thousand nine hundred and forty-one; and

Proceedings taken to incorporate Wayne County into municipal corporate body and territorial jurisdiction of said Authority.

WHEREAS, the Commissioners of Wayne County have adopted proceedings which purport to incorporate Wayne County into the municipal corporate body and territorial jurisdiction of the Eastern Carolina Regional Housing Authority: Now, therefore,

*The General Assembly of North Carolina do enact:*

Such proceeding validated.

SECTION 1. That all proceedings, acts, and things heretofore undertaken, performed or done with respect to the inclusion of Wayne County into the municipal corporate body and territorial jurisdiction of the Eastern Carolina Regional Housing Authority are hereby validated, ratified, confirmed, approved, and declared legal in all respects, notwithstanding any want of statutory authority of any defect or irregularity therein.

Wayne County incorporated in corporate regional body and territorial jurisdiction upon certain conditions being performed.

SEC. 2. That upon the appointment by the Governor of an additional commissioner for the Eastern Carolina Regional Housing Authority and the filing of his certificate of appointment with the Secretary of State, as provided by Section four of Chapter

seventy-eight of the Public Laws of one thousand nine hundred and forty-one, Wayne County shall thereupon be included in the corporate regional body and territorial jurisdiction of the Eastern Carolina Regional Housing Authority for all intents and purposes and to the same extent as if the said Wayne County had been included in the certificate of incorporation issued to the Eastern Carolina Regional Housing Authority by the Secretary of State, and the filing by the Governor of the certificate of appointment, appointing an additional commissioner, with the Secretary of State shall be accepted as conclusive evidence that all acts and things have been performed legally necessary to effect the purpose of this Act.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 773

## CHAPTER 589

### AN ACT RELATING TO THE REGISTER OF DEEDS OF HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter forty-nine, Public-Local Laws of one thousand nine hundred and thirty-three be amended by striking out in Section two, line five, the words "one thousand seven hundred" and inserting in lieu thereof the words "two thousand and forty." Sec. 2, Ch. 49, Public-Local Laws, 1933, amended.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after June thirtieth, one thousand nine hundred and forty-three. Effective date.

Ratified this the 6th day of March, 1943.

H. B. 775

## CHAPTER 590

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AS AMENDED BY CHAPTER ONE HUNDRED AND SEVENTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, TO PROVIDE FOR FIVE COMMISSIONERS INSTEAD OF THREE FOR THE TOWN OF CREEDMOOR.

*The General Assembly of North Carolina do enact:*

Sec. 3, Ch. 398,  
Private Laws,  
1905, rewritten.

SECTION 1. That Section three of Chapter three hundred and ninety-eight of the Private Laws of one thousand nine hundred and five, as amended by Chapter one hundred and seventy of the Private Laws of one thousand nine hundred and thirteen, is hereby rewritten to read as follows:

Officers of  
Town of  
Creedmoor.

When elected.

“SEC. 3. The officers of said town shall consist of a mayor and five commissioners, who shall be elected on Tuesday after the first Monday in May, one thousand nine hundred and forty-three, by the voters of said town who are qualified to vote for members of the General Assembly, at an election to be held under and by such rules and regulations as now govern elections for cities and towns.”

Membership of  
present Board  
to continue at 3  
until new  
election.

SEC. 2. That the present Board of Commissioners of the Town of Creedmoor shall remain a board of three, until five commissioners are elected under the provisions of this Act.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. B. 779

## CHAPTER 591

AN ACT TO AMEND SECTIONS TWO THOUSAND SIX HUNDRED AND FIFTY-ONE AND TWO THOUSAND SIX HUNDRED AND SIXTY-SIX OF THE CONSOLIDATED STATUTES, RELATING TO ELECTIONS IN GRAHAM.

*The General Assembly of North Carolina do enact:*

C. S. 2651, as to  
polling places in  
cities and towns,  
amended.

SECTION 1. That Section two thousand six hundred and fifty-one, be amended by striking from said section the words “governing body of said town or city” and inserting in lieu thereof the words “county board of elections.”

SEC. 2. That Section two thousand six hundred and sixty-six be amended by striking from the first sentence in said section the words "board of commissioners" and inserting in lieu thereof the words "county board of elections."

C. S. 2666, as to ballots and ballot boxes, amended.

SEC. 3. That this Act is intended to apply only to the Town of Graham in Alamance County, North Carolina.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. B. 28

CHAPTER 592

AN ACT TO AMEND SECTION TWENTY-NINE OF CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN SO AS TO EXTEND THE TIME FOR RENEWING VEHICLE REGISTRATIONS ONE MONTH, AND TO AMEND SECTION SEVENTY-FIVE OF SAID CHAPTER SO AS TO MAKE SAID SECTION CONFORM TO THE SAID AMENDMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section twenty-nine of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven be, and the same hereby is, amended by striking out the period at the end thereof and adding the following:

Sec. 29, Ch. 407, Public Laws, 1937, amended.

"Provided, however, that it shall not be unlawful to continue to operate any vehicle upon the highways of this State after the expiration of the registration of said vehicle, registration card and registration plate during the period between the thirty-first day of December and the thirty-first day of January, inclusive."

Time for renewing vehicle registrations extended.

SEC. 2. That Paragraph (a) of Section seventy-five of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven be, and the same hereby is, amended by striking out the last five words of said paragraph and inserting in lieu thereof the following:

Sec. 75, Ch. 407, Public Laws, 1937, amended.

"Sections twenty-nine and forty-three of this Act."

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after the first day of February, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

S. B. 132

CHAPTER 593

AN ACT AUTHORIZING COUNTIES TO ESTABLISH CAPITAL RESERVE FUNDS.

*The General Assembly of North Carolina do enact:*

Title. SECTION 1. Short title. This law may be cited as "The County Capital Reserve Act of one thousand nine hundred and forty-three."

Definitions. SEC. 2. Meaning of terms. The terms "fiscal year," "surplus revenues," "unencumbered balance," "debt service," and "fund," as used in this Act shall have the same meaning as expressed in Section two of Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended, the same being a part of the County Fiscal Control Act. The terms "governing body," "clerk," "necessary expenses," and "published" as used in this Act shall have the same meaning as expressed in Section two of Chapter eighty-one, Public Laws of one thousand nine hundred and twenty-seven, as amended, being a part of the County Finance Act. The term "financial officer," as used in this Act means the officer of a county having charge or custody of the moneys of the county, including moneys of the county board of education.

County authorized to maintain capital reserve fund. SEC. 3. Powers conferred. In addition to all other funds now authorized by law a county is hereby authorized and empowered to establish and maintain a capital reserve fund in the manner hereinafter provided.

Sources of capital reserve fund. SEC. 4. Sources of capital reserve fund. The capital reserve fund may consist of moneys derived from any one or more of the following sources, except that no money shall be deposited in such capital reserve fund after July tenth, one thousand nine hundred and forty-five:

(1) Unappropriated surplus revenues and unencumbered balances itemized as to

Ad valorem taxes. (a) Collections of ad valorem taxes levied on all taxable property in the county separately stated as to purpose for which such taxes were levied;

Proceeds of sale of county property. (b) Proceeds from the sale of county property or property of the county board of education, separately stated;

Insurance proceeds from loss of property. (c) Proceeds from insurance collected by reason of loss of county property or property of the county board of education, separately stated;

Certain revenues from sources other than ad valorem taxes. (d) Receipts from revenues derived from sources other than ad valorem taxes which are not pledged or otherwise applicable by law to the payment of existing debt and separately stated as to the fund to which such revenues may lawfully accrue.

(2) Appropriation or appropriations included in the annual appropriation resolution: Provided, however, the sources of revenues from which each such appropriation shall be payable shall be itemized in said appropriation resolution as to amount and class of sources stated in Subclauses (b), (c) and (d) of Clause (1) of this section;

Appropriation in annual appropriation resolution.

Itemization.

(3) Proceeds from the sale of county property not included in the estimated revenues appropriated for the current fiscal year;

Certain proceeds from sale of county property.

(4) Proceeds from the sale of property of the county board of education not included in the estimated revenues appropriated for the current fiscal year;

Certain proceeds from sale of property of county board of education.

(5) Proceeds from insurance collected by reason of loss of county property which are not included in the estimated revenues appropriated for the current fiscal year;

Certain insurance collections from loss of county property.

(6) Proceeds from insurance collected by reason of loss of property of the county board of education which are not included in the estimated revenues appropriated for the current fiscal year;

Certain insurance collections from loss of property of board of education.

(7) Collections of revenues from sources other than ad valorem taxes in excess of such revenues estimated and appropriated for the current fiscal year and separately stated as to the fund to which such revenues may lawfully accrue.

Certain collections of revenues from sources other than ad valorem taxes.

SEC. 5. How the capital reserve fund may be established. When a county elects under this Act to establish a capital reserve fund the governing body shall pass an order authorizing and declaring that the same shall be established. Said order shall state such itemized sources provided in Section four of this Act from which moneys are available for deposit in the capital reserve fund at the time of passage. In said order the governing body shall designate some bank or trust company as depository in which moneys shall be deposited for the capital reserve fund. Said order shall further contain a request to the Local Government Commission that the provisions thereof be approved by said commission. Upon passage of said order the same shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy thereof to the Local Government Commission.

How fund established.

Order authorizing same.

Statement of sources from which moneys available.

Depository for fund.

Request to Local Government Commission for approval.

Minutes. Certified copy to Commission.

SEC. 6. When the capital reserve fund shall be deemed established. The capital reserve fund shall be deemed established when the order passed under the provisions of Section five of this Act are approved by the Local Government Commission. After action is taken upon the provisions of said order by the Local Government Commission the secretary of said commission shall notify the clerk in writing of the approval by said commission or disapproval, if the commission declines to

When fund deemed established.

On approval by Commission.

Notice by Commission of approval or disapproval.

Deposit of moneys available for fund.

Report to Commission.

Deposit of moneys thereafter available for fund.

Report of such deposits to Commission.

Amendments to order authorizing fund.

Purposes.

Request to Commission for approval.

Minutes.

Certified copy to Commission.

Amendment not effective until approved by Commission.

Security for protection of deposits.

Purposes for which fund may be used.

For certain improvements or properties.

Schoolhouses, etc.

Courthouses and jails.

approve the order and, the reasons therefor. Upon receipt of the notice of such approval the clerk shall thereupon notify the financial officer of the county who shall immediately deposit in the designated depository the moneys stated as available in said order for the capital reserve fund and simultaneously report said deposit to the Local Government Commission.

Upon establishment of the capital reserve fund it shall be the duty of the financial officer to promptly deposit in the designated depository for the capital reserve fund all moneys which may thereafter become available from sources stated in the order authorizing such fund, or an amendment thereto, and to simultaneously report each such deposit to the Local Government Commission stating the amounts from each such source so deposited.

SEC. 7. Amendments to order authorizing capital reserve fund. At any time or from time to time after the capital reserve fund is established, the governing body may amend the order authorizing the establishment of such fund for the purpose of including additional sources provided in Section four of this Act or for the purpose of changing the designated depository. Each such amendment shall contain a request to the Local Government Commission that the provisions thereof be approved by said commission. Each such amendment shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy thereof to the Local Government Commission. No such amendment shall be effective until the provisions thereof have been approved by said commission.

SEC. 8. Security for protection of deposits. Any bank or trust company designated as depository of the capital reserve fund shall furnish such security for deposits made in said fund as is required by law for other funds of the county.

SEC. 9. Purposes for which a capital reserve fund may be used. A capital reserve fund may be withdrawn in whole or in part at any time or from time to time, and applied to or expended for:

(a) Any one or more of the following improvements or properties:

(1) Erection and purchase of schoolhouses, erection of additions to schoolhouses, school building equipment, acquisition of lands for school purposes;

(2) Erection and purchase of courthouse and jails, including public auditorium within and as a part of a courthouse, erection of additions to courthouse and jails, acquisition of lands for same;

- (3) Erection and purchase of county homes for the aged and infirm, erection of additions to county homes, acquisition of lands for county homes; County homes.
- (4) Erection and purchase of hospitals, erection of additions to hospitals, acquisition of lands for hospitals; Hospitals.
- (5) Erection and purchase of public auditoria and acquisition of lands therefor; Public auditoria.
- (6) Acquisition and improvement of lands for public parks and playgrounds; Public parks and playgrounds.
- (7) Acquiring, constructing and improving airports or landing fields for the use of airplanes or other aircraft; Airports.
- (8) Supplementing proceeds of the sale of bonds or bond anticipation notes of the county issued for any one or more of the purposes stated in Subclauses (2), (3), (4), (5), (6) and (7) of this clause (a), or supplementing Federal or State grants for any one or more of such purposes; Supplementing proceeds of sale of bonds, etc., for certain purposes.
- (9) Supplementing proceeds of sale of bonds or bond anticipation notes of the county issued for the purpose stated in Subclause (1) of this clause (a), or supplementing loans from the State Literary Fund, or supplementing Federal or State grants for such purpose.
- (b) Temporary borrowing for meeting appropriations made for the current fiscal year in anticipation of the collections of taxes and other revenues of such current fiscal year: Provided, however, the aggregate amount of such withdrawal or withdrawals for meeting appropriations shall not at any time exceed twenty-five per centum of the total appropriations of the fiscal year in which such withdrawal or withdrawals are made and no such withdrawal or withdrawals shall be made in an ensuing fiscal year unless and until the capital reserve fund has been fully repaid for the amount or amounts so previously withdrawn. Each such withdrawal shall be repaid not later than thirty days after the close of the fiscal year in which made; For temporary borrowing in anticipation of collection of certain taxes. Limitations. Repayment of withdrawal.
- (c) Purchasing at market prices and retiring outstanding bonds of the county maturing more than five years from the date of such withdrawal; For purchasing and retiring of certain bonds of county.
- (d) Investment in bonds or notes of the United States of America, State of North Carolina, or bonds of the county; For investment in certain bonds.
- (e) Payment of maturing serial bonds or notes and interest on bonds or notes of the county in accordance with a determined plan of amortization. For payment of certain bonds of county.
- SEC. 10. Restrictions upon use of the capital reserve fund. No part of the capital reserve fund consisting of collections of Restrictions upon use of fund.

ad valorem taxes levied for a special purpose within the meaning of the Constitution of North Carolina shall be withdrawn and expended for any purpose except that for which such taxes were levied, but such collections may be used for either of the purposes stated in Clauses (b) and (d) of Section nine of this Act, except that collections of taxes levied for debt service may be expended for either of the purposes stated in Clauses (c) and (e) of said Section nine. Moneys deposited in the capital reserve fund consisting of the proceeds of the sale of property of the county board of education or collections of insurance by reason of loss of property of the county board of education may be withdrawn and expended only for the purpose stated in Subclause (1) of Clause (a) of Section nine of this Act upon petition of the county board of education, and the same shall be deemed to be expended by the county as an administrative agency of the State for maintenance of the six months school term required by the Constitution of North Carolina.

Authorization for withdrawal from fund.

Resolution of governing body.

Contents of resolution.

Request to Commission for approval.

Minutes.

Certified copy to Commission.

Additional specifications of resolution for withdrawal for certain purposes.

Contents of resolution for withdrawal for certain improvements or properties.

Purpose of withdrawal.

Amount.

Source of moneys to be withdrawn.

SEC. 11. Authorization of withdrawal from the capital reserve fund. A withdrawal for any one of the purposes contained in Clauses (b), (c), (d) and (e) of Section nine of this Act shall be authorized by resolution duly adopted by the governing body. Each such resolution shall specify the purpose of the withdrawal, the amount of such withdrawal, the sources of moneys in the capital reserve fund for such withdrawal and the amount to be withdrawn from each such source. Each such resolution shall contain a request to the Local Government Commission for its approval of the provisions thereof, shall be spread upon the minutes of the governing body and the clerk shall transmit a certified copy of such resolution to the Local Government Commission. A resolution authorizing a withdrawal for the purpose stated in Clause (b) of Section nine of this Act shall further specify the total appropriations contained in the annual appropriation resolution of the fiscal year in which such withdrawal is authorized and shall state the total amount of such withdrawals previously made in such fiscal year and the date upon which the withdrawal shall be repayable to the capital reserve fund.

A withdrawal for any one of the improvements or properties contained in Clause (a) of Section nine of this Act shall be authorized by order duly passed by the governing body which order shall state:

(a) In brief and general terms the purpose for which the withdrawal is to be made;

(b) the amount of the withdrawal;

(c) The sources of moneys in the capital reserve fund for such withdrawal and the amount to be withdrawn from each such source;

(d) One of the following provisions:

(1) If the purpose of such withdrawal is for necessary expenses and the source of moneys available therefor is in whole or in part ad valorem taxes, or, if such withdrawal is for either necessary expenses or other than necessary expenses and the source of all the moneys available therefor is from other than ad valorem taxes, the order shall take effect thirty days after its first publication unless in the meantime a petition for its submission to the voters is filed under this Act, and that in such event it shall take effect when approved by the voters of the county at an election as provided in this Act.

Time order to take effect in certain instances.

(2) If the purpose of such withdrawal is for other than the payment of necessary expenses and the source of moneys available therefor is in whole or in part ad valorem taxes, or, if the governing body, although not required to obtain the assent of the voters to such withdrawal, deems it advisable to obtain such assent, that the order shall take effect when approved by the voters of the county at an election as provided in this Act.

Time order to take effect in certain other instances.

Each order authorizing a withdrawal from the capital reserve fund shall be spread upon the minutes of the governing body and the clerk shall submit a certified copy thereof to the Local Government Commission.

Order authorizing withdrawal to be spread on minutes.

Certified copy to Commission.

SEC. 12. Approval of order or resolution for withdrawal by the Local Government Commission. No order passed by the governing body authorizing a withdrawal from the capital reserve fund shall be published as provided in this Act nor shall the question of approval of the provisions thereof be submitted to the voters until said provisions have first been approved by the Local Government Commission. A certified copy of such order filed by the clerk with the commission shall be deemed a request to the commission for its approval of the provisions thereof. The commission shall pass upon the provisions of such order in the same manner as it passes upon an application for approval of the issuance of bonds or notes under the Local Government Act, and may require such information and evidence pertaining to the necessity and expediency and adequacy of amount of the proposed withdrawal as its deems necessary before acting upon said order.

Approval by Commission required before order for withdrawal published on submitted to voters.

Method of Commission passing upon order.

May require additional information.

No resolution adopted by the governing body authorizing a withdrawal shall become effective until the provisions thereof have been approved by the Local Government Commission.

No resolution for withdrawal effective until approved by Commission.

SEC. 13. Publication of order for withdrawal. Upon approval by the Local Government Commission of an order authorizing a withdrawal from the capital reserve fund, the clerk shall cause said order to be published once in each of two consecutive weeks

Publication of order for withdrawal.

over the following appendage (the blanks being first properly filled in):

Form of appendage to be published with order.

The foregoing order was passed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, and was first published on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_. Any action or proceeding questioning the validity of said order must be commenced within thirty days after its first publication.

-----  
Clerk.

Limitation of action setting aside withdrawal order.

SEC. 14. Limitation of action setting aside an order for withdrawal. Any action or proceeding in any court to set aside an order authorizing a withdrawal from the capital reserve fund, or to obtain any other relief upon the grounds that such order is invalid, must be commenced within thirty days after the first publication made under Section thirteen of this Act. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the order shall be asserted, nor shall the validity of the order be open to question in any court upon any grounds whatever, except in an action or proceeding commenced within such period.

Time for commencing action.

No action thereafter.

Elections on order authorizing withdrawal.

SEC. 15. Elections on order authorizing withdrawal. The provisions of Sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of Chapter eighty-one, Public Laws of one thousand nine hundred and twenty-seven, the same being a part of the County Finance Act, as amended, relating to petition for referendum and election on a bond order shall apply to an order authorizing a withdrawal from the capital reserve fund: Provided, however, the majority of the qualified voters of the county, as required by the Constitution of North Carolina, shall be necessary only if the purpose stated in the order authorizing such withdrawal is for other than a necessary expense and the source of moneys in the capital reserve fund for such withdrawal is in whole or in part ad valorem taxes. In all other cases where the provisions of such order may be required to be approved by the voters, the affirmative vote of the majority of the voters voting on such order shall be sufficient to make it operative and in effect: Provided, further, a notice of election required by this Act to be published shall state the amount of the proposed withdrawal and the purpose thereof, as well as the date of the election, and: Provided, further, the ballot to be furnished each qualified voter may contain the words, "For the order authorizing \$\_\_\_\_\_ withdrawal from the capital reserve fund of \_\_\_\_\_ County (briefly stating the purpose)" and "Against the order authorizing \$\_\_\_\_\_ withdrawal from the capital reserve fund of \_\_\_\_\_ County (briefly stating the purpose.)"

Majority of qualified voters required only in certain cases.

Majority of voters voting sufficient in other cases.

Contents of notice of election.

Contents of ballots.

SEC. 16. How a withdrawal may be made. No withdrawal from the capital reserve fund shall be made except pursuant to authority of the governing body by resolution or order which has taken effect. Each withdrawal shall be for the full amount authorized, except a withdrawal for the purpose stated in Clause (e) of Section nine of this Act which may be made for all or a part thereof from time to time according to the plan of amortization, and shall be by check drawn on the depository signed by the financial officer of the county and payable to said financial officer. Each such check shall bear a certificate on the face or reverse thereof signed by the Secretary of the Local Government Commission or by his duly designated assistant that the withdrawal evidenced thereby has been approved under the provisions of the County Capital Reserve Act of one thousand nine hundred and forty-three, and such certificate shall be conclusive evidence that such withdrawal has been approved by the Local Government Commission: Provided, however, the State of North Carolina shall not be liable for misapplication of any moneys withdrawn from the capital reserve fund by reason of such certificate.

Manner of making withdrawals.

Checks to bear certificate of secretary of Commission.

State not liable for misapplication.

SEC. 17. Accounting for the capital reserve fund. It is the intention of this Act that the deposits in and withdrawals from the capital reserve fund shall be as one account with the depository but it shall be the duty of the financial officer to maintain accounts of each source, entering the credits thereto and withdrawals therefrom, and of the purpose for which each authorized withdrawal is made.

Accounting for capital reserve fund.

SEC. 18. Certain deposits mandatory. Each withdrawal shall be used only for the purpose specified in the resolution or order authorizing the same and shall constitute an appropriation duly made for said purpose: Provided, however, that if for any reason any part of such withdrawal is not applied to or is not necessary for such purpose, such unexpended or unused part thereof shall be promptly deposited in the capital reserve fund and credits of such deposit shall be entered to the various sources prorated on the basis upon which the withdrawal was made.

Withdrawal used only for purpose specified.

Unused part of withdrawal.

All receipts of earnings from and realizations of investments shall be promptly deposited in the capital reserve fund and credits of such deposits shall be entered to the various sources in said fund prorated on the basis of all withdrawals made for investment.

Receipts of earnings and realizations of investments.

Receipts for repayment of moneys withdrawn for the purpose of meeting appropriations shall be promptly deposited in the capital reserve fund and credits of such deposits shall be entered to the various sources in said fund prorated on the basis of all such withdrawals made.

Repayment of moneys withdrawn to meet appropriations.

Action of  
Commission.

SEC. 19. Action of Local Government Commission. Any action required by this Act to be taken by the Local Government Commission may be taken by the executive committee of said commission, such action taken by said executive committee shall be subject to review by the commission in the same manner as action taken upon the issuance of bonds.

Executive  
committee.

Sinking fund  
for retirement of  
term bonds.

SEC. 20. Provision for sinking funds. Before allocating all or any part of unappropriated surplus revenues and unencumbered balances to a capital reserve fund a county may make allocation thereof to a sinking fund for the retirement of term bonds of the county, but such allocation or allocations, together with all other assets of the sinking fund, shall not exceed the amount of the term bonds outstanding and unpaid.

Limitation of  
allocation.

Partial invalidity  
section.

SEC. 21. Separability of provisions. If any part of this Act shall be held unconstitutional, the parts not unconstitutional shall remain in force, and the unconstitutional part shall be regarded as excised.

Conflicting laws  
repealed.

SEC. 22. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 23. This Act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 149

## CHAPTER 594

AN ACT TO AMEND SECTION FIVE THOUSAND AND SIXTY-TWO OF VOLUME TWO OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED BY CHAPTER ONE HUNDRED AND NINETY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO CITY JUVENILE COURTS AND PROBATION OFFICERS.

*The General Assembly of North Carolina do enact:*

C. S. 5062  
amended.

SECTION 1. That Section five thousand and sixty-two of Volume two of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended by Chapter one hundred and ninety-three, of the Public Laws of one thousand nine hundred and twenty-three, be further amended by adding between Paragraph two and Paragraph three of said section the following proviso:

Agreements for  
county juvenile  
court to transact  
business of city  
juvenile court.

“Provided, that in the event the governing bodies of such cities reach an agreement with the county commissioners, whereby the county juvenile court shall also transact the business of the city juvenile court, the governing bodies of such city and

county, by joint resolution, may elect a judge and an assistant judge of the combined court, who may be persons other than the clerk of the Superior Court, and who shall hold such office for the term of one year, and until their successors shall be duly elected. Such judge and assistant judge, when so elected, shall perform all the duties and possess all the powers and jurisdiction conferred by said Act upon the clerk of the Superior Court, as well as that conferred upon the judge of the juvenile court of such cities by the said Act. The assistant judge provided for by this Act shall only perform the functions of judge of the combined juvenile court when the regular judge is unavoidably absent, or sick, and no orders shall be entered by him except in such cases. The compensation of the judge and of the assistant judge provided for by this Act shall be determined by the county commissioners and paid by such county. The part of said salary that shall be paid by such city shall be determined by agreement between the governing bodies of the two units, as hereinbefore provided for. The authority is also hereby given by this Act for the election of an assistant judge of the juvenile court in cases where counties elect to combine with a city juvenile court and let such court transact the joint business of both county and city."

Election of Judge and assistant.

Powers and duties of Judge.

Duties of Assistant Judge.

Compensation of Judge and assistant.

Part of salary to be paid by city.

Election of Assistant Judge where county combines with city juvenile court.

SEC. 2. The provisions of this Act shall be an additional procedure, and shall not affect or repeal any other amendatory Acts now in effect.

Effect of this Act.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 151

## CHAPTER 595

### AN ACT FOR THE ADOPTION OF A STATE BIRD.

WHEREAS, North Carolina and Connecticut are the only states in the Union that have not adopted an official state bird; and

Preamble:

WHEREAS, there is a wide-spread movement now on foot among the Bird Clubs, Garden Clubs, and many of the schools of the State, together with a large number of individuals, looking to the adoption of a state bird by the present Legislature, to which end the North Carolina Bird Club has, so far as it has been in its power, canvassed the State for votes on the selection of a suitable representative bird to be officially adopted; and

Movement for adoption of State Bird.

WHEREAS, the Cardinal has received a decidedly larger number of votes than any other species: Now, therefore,

Most votes for Cardinal.

*The General Assembly of North Carolina do enact:*

Cardinal declared  
State Bird.

SECTION 1. That the Cardinal shall be, and hereby is declared to be the official State Bird of North Carolina.

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 161

### CHAPTER 596

AN ACT TO EXTEND THE PERIOD DURING WHICH COUNTIES, CITIES, TOWNS, AND SANITARY DISTRICTS MAY ISSUE REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, BETTERMENT, AND EXTENSION OF REVENUE PRODUCING UNDERTAKINGS AS AUTHORIZED BY CHAPTER TWO OF THE PUBLIC LAWS OF THE STATE OF NORTH CAROLINA, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

*The General Assembly of North Carolina do enact:*

Sec. 11, Ch. 2,  
Public Laws,  
Extra Session,  
1938, amended.

SECTION 1. That Section eleven of Chapter two of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and thirty-eight, be and the same is hereby amended by changing the period at the end of Section eleven to a semi-color and adding thereto the following:

Municipalities in  
New Hanover  
County authorized  
to borrow money  
and issue bonds  
for certain  
purposes.

“Except that any municipality within New Hanover County may borrow money and deliver bonds to the purchaser or purchasers thereof at any time on or before March first, one thousand nine hundred and forty-five, for any undertaking within said county.”

Ch. 2, Public  
Laws, Extra  
Session, 1938,  
re-enacted as  
amended.

SEC. 2. That Chapter two of the Public Laws of North Carolina, Extra Session of one thousand nine hundred and thirty-eight, is hereby re-enacted as amended.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 181

## CHAPTER 597

AN ACT TO AMEND CHAPTER FIFTY-EIGHT PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE AS AMENDED BY CHAPTER THREE HUNDRED AND TWENTY-EIGHT PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, PERTAINING TO THE DEFINITION OF GROUP LIFE INSURANCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one, Chapter fifty-eight Public Laws of one thousand nine hundred and twenty-five as amended by Chapter three hundred and twenty-eight Public Laws of one thousand nine hundred and thirty-one, be amended by adding at the end thereof a new paragraph to read as follows:

“(a) The following form of life insurance is hereby declared to be group life insurance within the meaning of this Act: Life insurance issued to a creditor or vendor, who or which shall be deemed to be the policyholder and for the purpose of this section the employer, insuring only all of the members, or only all of the members except those as to whom the evidence of insurability submitted is not satisfactory to the insurer, of a group of debtors or vendees, defined as follows: all of the borrowers, or borrowers and guarantors of borrowers, from one financial or other institution or from such institution and its subsidiary or affiliated companies, or all of the purchasers of securities, merchandise or other property from one vendor, or all of any class or classes of such debtors or purchasers determined by conditions pertaining to the type of indebtedness or purchase, under agreements by such debtors or such purchasers for the payment of the sum borrowed or the balance of the purchase price, as the case may be, in installments over a period of not more than ten years; when the premium, or any part thereof, for such insurance is to be paid, either directly or indirectly, by the insured debtors, guarantors, or debtors or vendees and the benefits of the policy are offered to all eligible debtors, guarantors of debtors or vendees, not less than seventy-five per centum of such debtors, guarantors of debtors or vendees may be so insured; no such group shall be eligible for insurance hereunder unless the new entrants to such group number at least one hundred persons annually; such policy may be issued to an assignee to whom such creditor or vendor has transferred or agreed to transfer all of its right, title, and interest to the unpaid indebtedness, or to the unpaid purchase price, under all such agreements made by it; the amount of insurance thereunder on any person insured shall not at any time exceed the amount of unpaid indebtedness due from such person or the amount of the purchase price unpaid by such person, nor the sum of ten thousand dollars, whichever is less;

Sec. 1, Ch. 58,  
Public Laws,  
1925, amended.

Certain forms of  
insurance declared  
group life  
insurance.

Issued to credi-  
tor or vendor.

Insuring group  
of debtors or  
vendees.

“Debtors or  
vendees” defined.

Payment of  
premium by  
debtors or  
vendees.

Percentage of  
debtors or vendees  
to be insured.

New entrants  
annually.

Issuance of  
policy to assignee.

Limitation on  
amount of  
insurance.

Premiums.

Benefits to  
policyholders.

Application of  
death benefits.

Sec. 2 (d) Ch. 58,  
Public Laws,  
1925, amended.

Conflicting laws  
repealed.

the premium on such insurance shall be remitted by the policyholder to the insurer; the benefits thereof shall be payable to the policyholder, and the receipt of such benefits by the policyholder shall release the insurer from all obligations under the policy to the extent of the benefits so paid; the amount of any death benefit received by the policyholder thereunder shall be applied by the policyholder to the discharge of any obligation of the person insured, or his personal representatives, to the policyholder."

SEC. 2. That Subsection (d) of Section two, Chapter fifty-eight, Public Laws one thousand nine hundred and twenty-five be amended by adding at the end thereof the following: "The provisions of this Subsection (d) shall not apply to policies described in Section one of the Act amending Section one of Chapter fifty-eight Public Laws of one thousand nine hundred and twenty-five as amended by Chapter three hundred and twenty-eight Public Laws of one thousand nine hundred and thirty-one."

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 205

## CHAPTER 598

### AN ACT TO VALIDATE CORPORATE ACKNOWLEDGMENTS TAKEN UNDER CERTAIN CONDITIONS.

*The General Assembly of North Carolina do enact:*

Certain deeds,  
etc. of corporations  
declared  
validly admitted  
to record.

SECTION 1. Deeds, conveyances and other instruments of writing of corporations entitled to registration, which have been heretofore duly executed in the manner required by law, by the proper officers of the corporation, and which have prior to the ratification of this Act, been admitted to registration, on the acknowledgment or proof of the proper executing officer, in the manner required by law, shall be, and the same are hereby declared to be, in all respects validly admitted to record, although such officer at the date of such acknowledgment or proof had ceased to be an officer of such corporation, or such corporation at the date of such acknowledgment or proof had ceased to exist.

Pending litigation  
and vested  
rights not  
affected.

SEC. 2. This Act shall not affect pending litigation and shall not divest or affect vested rights.

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 213

CHAPTER 599

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-EIGHT PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE PROVIDING FOR THE REGISTRATION OF OFFICIAL DISCHARGES FROM THE MILITARY AND NAVAL FORCES OF THE UNITED STATES IN THE OFFICE OF THE REGISTER OF DEEDS IN THE SEVERAL COUNTIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter one hundred and ninety-eight of the Public Laws of one thousand nine hundred and twenty-one be, and the same is hereby amended by striking out from lines four and five of said section the following: "and the payment of a fee of twenty-five (25¢) cents therefor."

Sec. 2, Ch. 198, Public Laws, 1921, as to fee for registration of official discharge from Armed Forces, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 222

CHAPTER 600

AN ACT TO AMEND CHAPTER FIFTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED BY CHAPTER ONE HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE POWERS AND DUTIES OF THE NORTH CAROLINA COMMISSION FOR THE BLIND.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter fifty-three of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-seven, establishing a State Commission for the Blind, be, and the same hereby is, amended, and it is hereby provided that, in addition to the powers and duties imposed upon the North Carolina State Commission for the Blind therein provided, the said commission shall be and

Ch. 53, Public Laws, 1935, amended.

Certain additional powers of N. C. State Commission for the Blind.

hereby is charged with the powers and duties hereinafter enumerated; that is to say:

Expenditure of equalizing funds for relief to needy blind.

(1) The North Carolina State Commission for the Blind is hereby authorized to expend such funds as are appropriated to it as an equalizing fund for aid to the needy blind for the purpose of equalizing the financial burden of providing relief to the needy blind in the several counties of the State, and equalizing the grants received by the needy blind recipients. Such amount shall be expended and disbursed solely for the use of the needy blind coming within the eligibility provisions outlined in Chapter one hundred and twenty-four of the Public Laws of one thousand nine hundred and thirty-seven. Said amount shall be distributed to the counties according to the needs therein in conformity with the rules and regulations adopted by the North Carolina State Commission for the Blind, producing as far as possible, a just and fair distribution thereof.

Distribution of such amounts.

Grants authorized which will afford maximum Federal grants.

(2) The North Carolina State Commission for the Blind is hereby authorized to make such grants to the needy blind of the State as will enable said commission to receive the maximum grants from the Federal Government for such purpose.

Plans for lending N. C. Reports to needy blind lawyers.

(3) The North Carolina State Commission for the Blind is hereby authorized to work out plans with the Secretary of State for lending to needy blind lawyers volumes of the North Carolina Reports in his custody that are unused or have become damaged. The Secretary of State is hereby authorized to lend such reports to the Commission for the Blind for relending to needy blind lawyers. Such reports may be recalled at any time by the Secretary of State upon giving fifteen days' written notice to the Commission for the Blind which shall remain responsible for said reports until they are returned. The commission shall relend such reports only to blind lawyers, who, after an investigation by the commission, are determined to have no income, or an income insufficient to purchase such reports.

Loan of such reports to Commission by Secretary of State.

Recall of such reports by Secretary of State.

Lending of reports by Commission.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 255

## CHAPTER 601

AN ACT TO AMEND CHAPTER NINETY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE RELATING TO ESTABLISHMENT OF AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF GUILFORD FOR THE CITIZENS OF GREENSBORO, HIGH POINT, GUILFORD COUNTY AND VICINITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter ninety-eight of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby, amended as follows:

Ch. 98, Public-Local Laws, 1941, amended.

(a) That Paragraph one of Section four be, and the same is hereby, amended to read as follows:

Sec. 4, amended.

“(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of the County of Guilford; and for any of such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property.

Power to acquire, operate, regulate airports, etc.

Within Guilford County.

Power to own, operate, etc., real or personal property.

“(1-a) To borrow money and to issue bonds and to secure the same by mortgages, with the consent of the Board of County Commissioners of Guilford County, upon any property held or to be held by it.”

Power as to borrowing money.

(b) That Paragraph four of Section four be, and the same is hereby, amended by inserting a comma and the word “use” between the words “maintenance” and “and.”

Sec. 4, further amended.

(c) That Paragraph five of Section four be, and the same is hereby, amended to read as follows:

Sec. 4 further amended.

“(5) To issue bonds or other securities and obligations for the purpose of providing funds for the construction, maintenance, purchase, improvement and operation of the said airports, landing fields or other facilities. The said bonds, if and when so issued, shall be denominated ‘Greensboro-High Point Airport Authority Bonds,’ and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said airport authority may determine. The bonds shall be signed by the chairman of the said airport authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile

Issuance of bonds.

Form, denomination, etc.

Execution.

Approval by County Commissioners.

Approval by Local Government Commission.

Exemption from taxation.

Not obligations of Guilford County.

Power of Authority to pledge revenue for payment of bonds.

Sec. 4 further amended.

Power to sell property belonging to Authority.

With approval of County Commissioners.

Purchase of insurance.

As to construction or continuance of operation of airports.

Sec. 7 amended.

Acquisition of private property.

Partial invalidity section.

Conflicting laws repealed.

signature of the chairman of the authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, may be issued and sold with the approval of the County Commissioners of Guilford County, but the sale shall be made under the supervision, and with the approval of the Local Government Commission.

“Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Guilford, but the said airport authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said airport authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said airport authority may deem proper.”

SEC. 2. That said Act be, and it is hereby, further amended by inserting the following immediately after Paragraph five of Section four:

“(6) To sell, or otherwise dispose of, any property, real or personal, belonging to the airport authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of Guilford County.

“(7) To purchase such insurance as the airport authority shall deem necessary.

“(8) To authorize, deny or withdraw the right of any person, firm or corporation to construct, operate or maintain any airport or landing field within Guilford County.”

SEC. 3. That Section seven be, and the same is hereby, amended to read as follows:

“SEC. 7. Private property needed by said airport authority for any airport, landing field or facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, pursuant to the provisions of Chapter thirty-three of the Consolidated Statutes of North Carolina, as amended.”

SEC. 4. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 256

## CHAPTER 602

AN ACT TO AMEND SECTION SIX OF CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO ELECTION OF MEMBERS OF SANITARY DISTRICT BOARDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter one hundred of the Public Laws of North Carolina, Session one thousand nine hundred and twenty-seven, as heretofore amended be, and the same is hereby, amended by inserting after the word and period "district," and before the word "The" in the eighteenth line of Section six the following:

Sec. 6, Ch. 100,  
Public Laws,  
1927, amended.

"When more than six candidates qualify for a primary, then the six candidates receiving the highest number of votes in the primary shall be nominated as candidates to be elected in the general election, and the three candidates receiving the highest number of votes in the general election shall be elected as members of said sanitary district board. When six or less candidates qualify for the primary, then each shall be declared to be a candidate in the general election without their names being voted upon in the primary. The primary and general election shall be nonpartisan, and each shall be conducted by the board of elections in the county in which the sanitary district is located. The said board of elections is authorized and empowered to cause a special election to be held at such time or times as it may designate, if necessary to break a tie between any candidates in the primary or general election."

Election of  
members of  
sanitary district  
board.

Primary and  
election non-  
partisan.

Special elections  
in case of tie.

SEC. 2. The provisions of Section one of this Act shall apply only to sanitary districts located wholly within the limits of a single county, and which adjoin and are contiguous to cities having a population of fifty thousand or more.

Applies to cer-  
tain sanitary  
districts only.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are repealed.

Conflicting laws  
repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 258

CHAPTER 603

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SELL NOTES, OBTAINED FROM LOANS MADE FROM THE STATE LITERARY FUND, TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sale of certain notes by State Board of Education.

SECTION 1. The State Board of Education is hereby authorized, in its discretion, to sell notes, obtained from loans made from the State Literary Fund, to the Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina. The Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina is hereby authorized, in its discretion, to purchase from the State Board of Education notes obtained by said board from loans made from the State Literary Fund.

Purchase of such notes by Board of Trustees of Teachers' and State Employees' Retirement System.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 259

CHAPTER 604

AN ACT REQUIRING CERTAIN BONDS OR GUARANTY OR INDEMNITY CONTRACTS TO STATE THEIR MAXIMUM LIABILITY, AND SPECIFY THE PERIOD OF THEIR COVERAGE.

Preamble: Indemnity bonds required of agents, salesmen, etc., by certain persons selling merchandise in N. C.

WHEREAS, certain persons, firms and corporations, engaged in the business of selling merchandise within the State of North Carolina under contracts with agents, solicitors, salesmen, representatives, consignees, or peddlers which require said agents, solicitors, salesmen, representatives, consignees or peddlers to furnish and provide bonds or indemnity or guaranty contracts, guaranteeing to such persons, firms and corporations a full and faithful accounting of all moneys collected from a sale of such merchandise; and

Maximum liability not stated.

WHEREAS, such bonds or indemnity or guaranty contracts in many instances do not specify the maximum amount for which the principals and sureties or guarantors thereon are liable, but provide for unlimited liability, and do not specify the period of time which said bonds cover; and

Period covered not stated.

WHEREAS, because of their peculiar nature, the legal effect of such bonds or indemnity or guaranty contracts is easily misunderstood and misinterpreted by the persons who become sureties or guarantors thereon and the General Assembly finds that such bonds or contracts of indemnity or guaranty are inherently misleading and that their true nature and legal effect is so easily misunderstood and misinterpreted that they are inimical to the public interest and should be regulated to prevent abuse and to protect the citizens of the State: Now, therefore,

Such bonds easily misunderstood.

Inimical to public interest.

*The General Assembly of North Carolina do enact:*

SECTION 1. That wherever any person, firm, or corporation, engaged in the business of merchandising any articles whatsoever, shall require of its agents, solicitors, salesmen, representatives, consignees, or peddlers, or other persons selling or handling its merchandise, as a condition precedent to selling or handling any of the merchandise of said person, firm, or corporation, that such agents, solicitors, salesmen, representatives, consignees, or peddlers should furnish and provide a bond or guaranty or indemnity contract guaranteeing the full and faithful accounting of moneys collected from such merchandise, such bond or indemnity contract shall state specifically therein the maximum amount of money or other liability which the principal and the sureties or guarantors thereof undertake thereby to pay in event of default of said bond or indemnity or guaranty contract; and said bond or indemnity or guaranty contract shall also state specifically the period of time during which liability may be incurred on account of any default in said bond or indemnity or guaranty contract.

Statement of maximum liability required.

Bonds to state period of time during which liability may be incurred.

SEC. 2. Any bond or indemnity or guaranty contract which does not comply with the provisions of this section shall be null and void and no action may be maintained against the surety or guarantor to recover any sum due thereon in any court of this State.

Bonds failing to comply with section void.

SEC. 3. This Act shall not affect bonds or indemnity or guaranty contracts entered into prior to the ratification of this Act.

Bonds heretofore entered into not affected.

SEC. 4. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

## S. B. 260

## CHAPTER 605

AN ACT TO AMEND SECTIONS SEVEN THOUSAND SEVEN HUNDRED AND FIFTY-EIGHT AND SEVEN THOUSAND SEVEN HUNDRED AND FIFTY-NINE OF THE CONSOLIDATED STATUTES SO AS TO AUTHORIZE THE USE OF CONVICTS ON THE STATE TEST FARMS AND/OR STATE EXPERIMENTAL STATIONS.

*The General Assembly of North Carolina do enact:*

C. S. 7758  
amended.

SECTION 1. Section seven thousand seven hundred and fifty-eight of the Consolidated Statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

Board of Agriculture authorized to contract for use of convicts on test farms, etc.

“The Board of Agriculture of the State of North Carolina is hereby authorized and empowered to contract, in writing, with the State Highway and Public Works Commission for the employment and use of convicts under its supervision to be worked on the State test farms and/or State experimental stations.”

C. S. 7759  
amended.

SEC. 2. Section seven thousand seven hundred and fifty-nine of the Consolidated Statutes is hereby amended by adding at the end thereof a new paragraph to read as follows:

State Highway and Public Works Commission authorized to hire convicts to Board of Agriculture.

“Upon application to it, it shall be the duty of the State Highway and Public Works Commission, in its discretion, to hire to the Board of Agriculture of the State of North Carolina for the purposes of working on the State test farms and/or State experimental stations, such convicts as may be mentally and physically capable of performing the work or labor contemplated; but the convicts so hired for services under this paragraph shall be fed, clothed and quartered while so employed by the State Highway and Public Works Commission.”

Convicts so hired to be fed, etc. by Commission.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 264

## CHAPTER 606

AN ACT TO AFFORD RELIEF TO VERNIE TOWE, WIDOW, AND VAUGHTIE LUCILLE TOWE, MINOR CHILD, OF DEPUTY SHERIFF WILLIAM E. TOWE, DECEASED, LATE OF YANCEY COUNTY, NORTH CAROLINA.

Preamble:

Deputy Sheriff William E. Towe, of Yancey County, slain in performance of duty.

WHEREAS, on the thirteenth day of June, one thousand nine hundred and forty, William E. Towe, while acting as Deputy Sheriff of Yancey County and attempting to arrest felons

who had committed highway robbery within the bounds of said county, was slain by said felons; and

WHEREAS, Vernie Towe, widow of said William E. Towe, deceased, and Vaughtie Lucille Towe, his minor child, filed a claim for compensation subsequent to the expiration of one year from the date of his death; and

Widow and minor child filed claim for compensation after expiration of year from his death.

WHEREAS, owing to her minority the claim of Vaughtie Lucille Towe, is in law deemed to have been filed in time, but that the claim of said Vernie Towe, widow of said William E. Towe, was not filed in apt time by said widow, due to her ignorance of the time limit for filing the same; and

Claim of minor deemed filed in time.

Claim of widow not filed in apt time.

WHEREAS, both said Vernie Towe, widow, and Vaughtie Lucille Towe, minor child, are entitled to compensation under the law by reason of the death of said William E. Towe at the hands of said felons: Now, therefore,

Both widow and child entitled to compensation.

*The General Assembly of North Carolina do enact:*

SECTION 1. That said Vernie Towe be, and she is hereby, permitted to file her claim for said compensation with the North Carolina Industrial Commission at any time prior to the first day of June, one thousand nine hundred and forty-three, and that upon her so doing and notifying the Board of County Commissioners of Yancey County, North Carolina, of her action, that said Industrial Commission shall proceed to set a date for the hearing of said claims of both said Vernie Towe, widow, and Vaughtie Lucille Towe, minor, and after due notice to the Board of County Commissioners of Yancey County and to the claimants, shall hear said matter and make such awards as the said Vernie Towe and said Vaughtie Lucille Towe would have been entitled to had their said claims for compensation been duly filed within one year from the date of the death of the said William E. Towe, and that said awards so made shall be binding upon said County of Yancey, the claimants and the North Carolina Industrial Commission in the same manner and effect as if said claim for compensation had been filed within one year from the date of the slaying of the said William E. Towe.

Widow permitted to file claim.

Time limit for filing.

Notice.

Industrial Commission to hear both claims.

Awards to be same as if claims filed in time.

Effect of awards.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 265

## CHAPTER 607

## AN ACT TO FIX THE SALARIES OF THE JUDGE AND THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of Judge of Recorder's Court of Caldwell County.

SECTION 1. That from and after the ratification of this Act the salary of the Judge of the Recorder's Court of Caldwell County shall be two thousand and one hundred dollars (\$2,100.00) per annum, to be paid in equal monthly installments.

Salary of Prosecuting Attorney.

SEC. 2. That from and after the ratification of this Act, the salary of the Prosecuting Attorney of the Recorder's Court of Caldwell County shall be one thousand and eight hundred dollars (\$1,800.00) per annum, to be paid in equal monthly installments.

Application of Act.

SEC. 3. This Act shall apply only to Caldwell County.

Conflicting laws repealed.

SEC. 4. All laws, Public, Public-Local, or Private, and clauses of such laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 5. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Ratified this the 8th day of March, 1943.

## S. B. 273

## CHAPTER 608

## AN ACT TO AMEND SECTION FIVE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE OF THE CONSOLIDATED STATUTES, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE STATE SCHOOL FOR THE BLIND AND DEAF AT RALEIGH.

*The General Assembly of North Carolina do enact:*

C. S. 5875 rewritten.

SECTION 1. That Section five thousand eight hundred and seventy-five of the Consolidated Statutes of one thousand nine hundred and nineteen be, and the same hereby is, amended by striking out all of said section and rewriting said section so as to read as follows:

Meetings of Board of Directors of State School for Blind and Deaf.

Compensation of members of Board.

"5875. Meetings of the board and compensation of the members. The board shall meet at stated times and also at such other times as it may deem necessary. The members of the board shall be paid traveling expenses incurred in the discharge of their official duties, and shall also be paid the same per diem on account of attending meetings of the board as is provided for boards of other State institutions, from time to time, in the Biennial Appropriation Acts."

SEC. 2. That the per diem payments to members of the Board of Directors of the State School for the Blind and Deaf, on account of attending meetings of the said board made during former years, are hereby validated.

Per diem payments to members for meetings in former years validated.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 279

### CHAPTER 609

#### AN ACT TO AUTHORIZE THE REFUNDING OF DEFERRED PAYMENTS FOR LICENSE TAGS MADE BY CERTAIN PROPERTY HAULING MOTOR VEHICLE CARRIERS AFFECTED BY WAR CONDITIONS.

WHEREAS, during the year one thousand nine hundred and forty-two certain property hauling vehicle operators engaged in the transportation of gasoline and motor fuel from the port terminal at Wilmington, North Carolina, to points and places wholly within the State of North Carolina applied for and obtained motor license tags under the provisions of Article seven of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, as amended; and,

Preamble:  
License tags acquired by certain property hauling vehicle operators in 1942.

WHEREAS, some of said license tags were purchased pursuant to Section fifty-eight of said article in said Act so that one half of the tag tax was paid on January first, one thousand nine hundred and forty-two, and one half was payable on or after April first, one thousand nine hundred and forty-two; and,

Time of payment for license tags.

WHEREAS, on account of the war conditions during the months of December, one thousand nine hundred and forty-one, and January, one thousand nine hundred and forty-two, large quantities of coastwise oil tanker ships were sunk or destroyed by enemy submarines with the result that the supplies of gasoline passing through the Wilmington port terminal became depleted and during January, one thousand nine hundred and forty-two, some of said motor vehicle haulers were forced to suspend, and did suspend, operations of their vehicles and disposed of their equipment and surrendered their license tags to the Motor Vehicle Bureau of the Revenue Department of North Carolina on or before February fifteenth, one thousand nine hundred and forty-two; and,

Certain vehicle haulers forced to suspend operations on account of War conditions.

Surrender of license tags to State.

WHEREAS, in some instances the Department of Motor Vehicles thereafter collected the deferred one half of the truck tag

Deferred half of license collected in some instances.

license, which became payable on April first, one thousand nine hundred and forty-two; and,

Collection of deferred payments deemed hardship.

WHEREAS, the collection of such deferred payments at a time when the business for which the license was issued had been totally suspended on account of war conditions, and the tags actually returned to the Motor Vehicle Department, is deemed to be a hardship and a practical injustice on such motor vehicle haulers and some provision should be made to adjust and repay the deferred portion of said tag tax actually collected under such circumstances: Now, therefore,

Repayment.

*The General Assembly of North Carolina do enact:*

Refund of deferred portion of purchase price of certain property hauling vehicle licenses authorized in certain instances.

SECTION 1. That whenever it is shown to the satisfaction of the Commissioner of Motor Vehicles of North Carolina that any property hauling motor vehicle license, which was purchased as of January first, one thousand nine hundred and forty-two, on the partial payment plan as provided in Section fifty-eight of Article seven of Chapter four hundred and seven, Public Laws of one thousand nine hundred and thirty-seven, as amended, has been returned to the Department of Motor Vehicles on or before February fifteenth, one thousand nine hundred and forty-two; then, in such event, the Commissioner of Motor Vehicles is hereby authorized, empowered and directed to refund to such purchaser the deferred portion of the purchase price for said motor vehicle license, which was collected on or after April first, one thousand nine hundred and forty-two.

Application for refund.

Time limit for filing.

SEC. 2. That application for refund under this Act shall be filed in writing and under oath with the Commissioner of Motor Vehicles on or before May first, one thousand nine hundred and forty-three.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 284

CHAPTER 610

AN ACT PROVIDING THAT UPON THE EXTENSION OF THE CORPORATE LIMITS OF ANY MUNICIPALITY, COTERMINOUS BOUNDARIES OF CITY ADMINISTRATIVE UNITS SHALL BE LIKEWISE EXTENDED.

*The General Assembly of North Carolina do enact:*

SECTION 1. Upon the change of the boundaries of any municipality in this State, the boundaries of which had theretofore been coterminous with the boundaries of a city administrative unit, the boundaries of such city administrative unit shall be extended to correspond with the boundaries of such municipality so extended. When the boundaries of such municipality are so extended by a vote of the qualified electors therein, such vote shall likewise authorize the levying of such special taxes for school purposes on property within such extended territory as had theretofore been authorized by a vote of the electors within the former boundaries of such city administrative unit.

Effect of change of boundaries of municipality on city administrative unit in certain cases.

Effect of vote extending boundaries on special school taxes in extended area.

SEC. 1A. This Act shall apply to Iredell County only.

Application of Act.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 290

CHAPTER 611

AN ACT RELATING TO UNCLAIMED FEES OF JURORS AND WITNESSES IN RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All moneys due jurors and witnesses which were paid into the office of the Clerk of the Superior Court of Rutherford County three years or more ago and are now held by him shall be turned over to the county treasurer for the use of the school fund of the county.

Disposition of moneys held by C. S. C. of Rutherford County for jurors, etc., for 3 years or more.

SEC. 2. On the first day of each January hereafter the Clerk of the Superior Court of Rutherford County shall turn over to the county treasurer, for the use of the school fund of the county, all unclaimed or uncalled for fees and moneys due jurors and witnesses which have been in his hands for the preceding three years or more on said first day of January.

Disposition of said moneys unclaimed hereafter.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 294

## CHAPTER 612

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE AT SUCH TIME AS MINING DEVELOPMENTS JUSTIFY SUCH ACTION TO CREATE WITHIN THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT A BUREAU OF MINES, TO BE LOCATED IN WESTERN NORTH CAROLINA.

Increase in development of mineral resources in State.

WHEREAS, the development of mineral resources and increase of mining operations in North Carolina have grown enormously within the last few years; and whereas, more than four hundred new mining operations have been started within the State since the program of war production was begun; and

National need for mining products available in N. C.

WHEREAS, the expansion of war production in the United States has disclosed a national need for minerals and mining products available in the State of North Carolina to the extent that the agencies of the Federal Government have indicated keen interest in such developments within this State; and

Survey of mineral resources being conducted.

WHEREAS, there is now being conducted under the supervision of one of the outstanding mining experts and metallurgists of America a comprehensive survey of mineral resources within the State, with a view to enlarging greatly the scope of mining operations in all sections of the State where such mineral deposits are found to exist; and whereas, such developments will add enormously to the wealth of the State and give employment to thousands of our citizens; and

Effect of such development.

WHEREAS, in connection with such unprecedented expansion of our mineral resources and mining operations it may be found necessary and highly beneficial to the State and its mining developments to establish within the Department of Conservation and Development a bureau of mines, to be located in Western North Carolina, accessible to the principal mining and mineral developments, with staff and facilities capable of giving assistance, advice and experimental aid to such developments: Now, therefore,

May be necessary to establish bureau of mines in Department of Conservation and Development.

*The General Assembly of North Carolina do enact:*

Bureau of mines in Department of Conservation and Development authorized.

SECTION 1. That the Governor and the Council of State be and they are hereby authorized, in their discretion and at such time as the development of the mineral resources and the expansion of mining operations in the State justify and make reasonably necessary, to create and establish as a part of the

Department of Conservation and Development a bureau of mines, to be located in the western part of the State, with a view to rendering such aid and assistance to mining developments in this State as may be helpful in this expanding industry, and to allocate from the Contingency and Emergency Fund such funds as may reasonably be necessary for the establishment and operation of such bureau of mines.

Location.

Purpose.

Allocation of funds therefor.

SEC. 2. That upon the creation and establishment of such bureau of mines as herein authorized, the same shall be operated under such rules and regulations as may be adopted by the Board of Conservation and Development.

Operation of Bureau.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 295 CHAPTER 613

### AN ACT TO FIX THE TERM OF GRAND JURIES IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section two thousand three hundred and thirty-four of the Consolidated Statutes is hereby amended by inserting at the end thereof the following:

C. S. 2334 amended.

The first nine members of the grand jury chosen at the first term of the Superior Court of Caldwell County for the trial of criminal cases after May first, one thousand nine hundred and forty-three, shall serve for one year and until their successors are chosen and qualified, and at the first of such courts of the fall and spring terms thereafter nine additional jurors shall be chosen to serve for one year and until their successors are chosen and qualified.

Term of members of grand jury in Caldwell County.

SEC. 2. This Act is intended to provide that nine experienced jurors shall at all times serve on the said grand jury unless discharged as provided in Consolidated Statutes, Section two thousand three hundred and thirty-four, but is not otherwise intended to repeal the provisions of Section two thousand three hundred and thirty-four as it affects Caldwell County.

Purpose of Act.

SEC. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

Ratified this the 8th day of March, 1943.

## S. B. 298

## CHAPTER 614

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF CAROLINA BEACH.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 334,  
Public Laws,  
1939, rewritten.

SECTION 1. That Section one of Chapter three hundred and thirty-four of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby repealed, and the following is substituted in lieu thereof:

Appointment of  
Mayor and Alder-  
men of Town of  
Carolina Beach.

“SECTION 1. That in the second week of June, one thousand nine hundred and forty-three, and in the second week of June every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and four aldermen for the said Town of Carolina Beach, who shall be sworn in as such mayor or aldermen on the first Tuesday in July following their appointment, or as soon thereafter as possible, by any person who is authorized to administer oaths, but he shall appoint only such persons to fill said offices as shall be recommended to him to be selected as follows:

Governor to ap-  
point persons  
recommended.

Candidates to  
file petition with  
Town Clerk.

“That on or before the first day of May, one thousand nine hundred and forty-three and every two years thereafter, any person desiring to become a candidate for office of mayor or alderman of Carolina Beach shall file with the clerk of said town their petition for said office, signed by at least three freeholders or three legal residents of the said town.

Ballots to be  
sent freeholders  
and registered  
residents.

“That on or before the fifteenth day of May, one thousand nine hundred and forty-three and every two years thereafter, there shall be forwarded by the Clerk of the Town of Carolina Beach, a ballot to every freeholder at their last known address and to registered legal residents of said Town of Carolina Beach, said ballot containing the names of the persons so filing for the above stated offices. The word freeholder or legal resident shall be designated behind the names of the respective candidates and the ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of New Hanover County in a sealed envelope not later than nine o'clock a. m., the first Monday in June following, and said ballots to be then opened and tabulated at seven-thirty o'clock p. m., on said first Monday in June, in the office of the Clerk of the Town of Carolina Beach by the Chairman of the New Hanover County Board of Elections, said opening being public. The person receiving the highest number of ballots shall be recommended as mayor of said town and the next four receiving the greater number of votes shall be recommended as aldermen of said town; and, the Clerk of the Town of Carolina Beach, and the Chairman of the New Hanover County Board of Elections shall immediately

Contents of  
ballots.

Return of ballots  
to County Board  
of Elections.

Opening of  
ballots.

Persons to be  
recommended for  
appointment.

forward to the Governor of the State of North Carolina the result of the said balloting. The said persons so appointed by the Governor of the State of North Carolina shall constitute the governing body of said town and shall possess and be vested with all the powers and duties which are now or may be hereafter given to law governing bodies of cities and towns in the State of North Carolina: Provided, however, that two of the persons on said governing board shall be legal residents of the Town of Carolina Beach and three to be freeholders in said town; and the legal residents shall be considered for the purpose of holding office or casting ballot for said officers to be a person whose residence is six months immediately preceding said May fifteenth, or more out of the year in the Town of Carolina Beach and is a legal resident of the State of North Carolina: Provided, further, that no person shall cast more than one ballot either as a freeholder or a legal resident of the Town of Carolina Beach: Provided, further, that in case of real property held as tenants by the entireties only one vote is to be cast on account of such ownership.

Powers and duties of governing body.

Two members to be residents; three to be freeholders.

“That on or before the fifteenth day of May, one thousand nine hundred and forty-three, there shall be forwarded by the Clerk of the Town of Carolina Beach, attached to or made a part of the ballot referred to in Section one of this Act, an additional ballot, which said ballot shall contain the language ‘I favor placing the Town of Carolina Beach under the general municipal law of North Carolina,’ and also the language ‘I do not favor placing the Town of Carolina Beach under the general municipal law of North Carolina,’ and which said ballot shall also contain a space to enable the freeholder or legal resident to place a cross mark indicating his approval or disapproval of the proposition to be voted upon.

Residents and freeholders to vote on placing Town under general municipal law.

“If a majority of the ballots cast favor placing the Town of Carolina Beach under the general municipal law of North Carolina this shall be interpreted as a mandate to the General Assembly of North Carolina of one thousand nine hundred and forty-five, or any Special Session of the General Assembly which may be called earlier than the year one thousand nine hundred and forty-five, to enact legislation to place the said town under the general municipal law of North Carolina.

Effect of majority vote on such question.

“The manner of registration and those entitled to cast ballots and the method and manner of counting the ballots regarding the placing of the town under the general municipal law of North Carolina shall be the same as provided in this Act for the designation of officers of the said town.”

Method of conducting vote on question.

SEC. 2. The persons entitled to receive ballots from the Clerk of the Town of Carolina Beach as hereinbefore set out shall be:

Persons entitled to vote.

(a) Persons of twenty-one years of age and over, who are freeholders in the Town of Carolina Beach.

Freeholders of age.

- Certain residents. (b) Any person twenty-one years of age or over, whose residence is six months or more out of the year in the Town of Carolina Beach immediately preceding May fifteenth, and a legal resident of the State of North Carolina: Provided, that the said legal resident shall cause to be registered his name and address with the Clerk of the Town of Carolina Beach on or before May fifteenth, one thousand nine hundred and forty-three or any time thereafter between May first and May fifteenth.
- Registration of residents.
- Ballots to be mailed. (c) The Clerk of the Town of Carolina Beach shall forward the ballot here aforementioned to every freeholder and every legal resident by mailing same to last known address or delivering in person.
- Term of present officials. SEC. 3. The present Mayor and Aldermen of the Town of Carolina Beach shall hold office until Tuesday of the first week in July, one thousand nine hundred and forty-three, or until their successors are appointed and qualified.
- Vacancies. SEC. 4. Should a vacancy occur either as Mayor or Alderman of the Town of Carolina Beach during their respective terms of office, in that event, the remaining Aldermen of the Town of Carolina Beach may recommend to the Governor of the State of North Carolina one of their bodies or any freeholder or legal resident, as defined above, to be appointed by the Governor of the State of North Carolina to fill the vacancy.
- Compensation of Chairman of Board of Elections for services in election. SEC. 5. The Chairman of the County Board of Elections of New Hanover County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifty dollars for supervising said casting of ballots. The said amount shall be paid by the Town of Carolina Beach, and the Town of Carolina Beach is hereby authorized, empowered and directed to pay such other necessary expense that may be incurred in carrying out the provisions of this Act.
- Other expenses.
- Certain violations made misdemeanor. SEC. 6. Any person violating any section of this Act regarding the opening of said ballots or casting of same shall be guilty of a misdemeanor, and punished by a fine or imprisonment, in the discretion of the court.
- Punishment.
- Conflicting laws repealed. SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.
- SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 303

CHAPTER 615

AN ACT TO AMEND SECTION TWO THOUSAND ONE HUNDRED AND THIRTY-FIVE (a) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO GAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. Amend Section two thousand one hundred and thirty-five (a) by placing a comma and the word "Harnett" between the word "Haywood" and the word "and."

C. S. 2135(a) relating to fox hunting, amended to apply to Harnett County.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after ratification.

Ratified this the 8th day of March, 1943.

S. B. 306

CHAPTER 616

AN ACT TO AUTHORIZE GASTONIA TOWNSHIP IN GASTON COUNTY, NORTH CAROLINA, SUBJECT TO THE APPROVAL OF A MAJORITY OF THE QUALIFIED VOTERS THEREIN, TO ISSUE BONDS FOR AN AIRPORT AND TO AUTHORIZE THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE MAINTENANCE THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Gastonia Township, in Gaston County, North Carolina, is hereby authorized and empowered, subject to the approval by vote of a majority of the qualified voters therein, to issue bonds in an amount not to exceed two hundred thousand dollars for the purpose of acquiring land, either within or without or partly within and partly without the boundaries of said township, for an airport or landing field and draining and grading the same, and erecting and equipping buildings or other improvements thereon.

Bond issue by Gastonia Township, Gaston County, for airport authorized.

Subject to approval of majority of qualified voters.

SEC. 2. That whenever at least three hundred resident freeholders of Gastonia Township shall petition the Board of County Commissioners of Gaston County, said board shall order a special election to be held in said township for the purpose of voting upon the question of issuing bonds for such purpose and levying a sufficient tax for the payment thereof. In any such election the board of county commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of the election upon the filing with it of the election returns by the officers

Special election called on petition.

Conduct of election.

Notice.	holding the election, and shall record such determination on their records. The notice of election shall be given by publication at least three times in some newspaper published or circulating in said township. The notice shall state the date and hours of the election, the place or places at which the election will be held, the maximum amount of bonds to be issued, the purpose or purposes for which the bonds are to be issued, and the fact that a sufficient tax will be levied on all taxable property within said township for the payment of the principal of and the interest on such bonds. The first publication of the notice shall be at least thirty days before the election. A new registration of the qualified voters of said township shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said township at least thirty days before the close of the registration books. Such notice of registration may be incorporated in the election notice, and shall state the days on which the books will be open for registration of the voters and the place or places at which they will be open on Saturdays. The books for such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day and, except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections. The form of the question, as stated on the ballot or ballots, shall be in substantially the words: "For the issuance of \$..... Airport Bonds of Gastonia Township and the levying of a sufficient tax for the payment thereof," and "Against the issuance of \$..... Airport Bonds of Gastonia Township and the levying of a sufficient tax for the payment thereof." Both questions shall be printed on one ballot, containing squares opposite the affirmative and the negative forms, in one of which squares the voter may make a cross (X) mark to indicate his choice.
Contents of notice.	
Publication.	
New registration required.	
Notice of registration.	
Books to be open.	
Challenge day.	
Form of ballot.	
Returns of election to Board of County Commissioners.	<p>SEC. 3. At the close of the polls the election officers shall count the votes and make returns thereof to the board of county commissioners, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the results of such election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid and the other filed with the Clerk of the Superior Court of Gaston County. The election officers shall incorporate in the returns not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election, and said board of county commissioners shall include in their canvass not only the number of votes cast for and against the bonds, but also the number of voters registered and qualified to vote at the election. Said board of county commissioners shall prepare a statement showing the</p>
Contents of returns.	
Statement of results of election.	

number of votes cast for and against the bonds, and the number of voters registered and qualified to vote at the election, and declaring the result of the election, which statement shall be signed by the chairman of the board and attested by the clerk, who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper published or circulating in the township.

To be recorded in minutes of Board.

Publication of results.

SEC. 4. At the election at which the question of issuing such bonds shall be submitted to the qualified voters of said township, there shall be submitted to a vote of the qualified voters of said township the question of levying and collecting annually an ad valorem tax for the special purpose of maintaining said airport from year to year, not exceeding five cents on the one hundred dollars assessed valuation of taxable property in said township, and if the question of levying and collecting such tax shall receive the vote of a majority of the qualified voters of said township, the board of county commissioners shall be and hereby is authorized to levy and collect the same. The General Assembly does hereby give its special approval to the levy of said tax for said special purpose.

Question of levying and collecting annual tax to be submitted to voters.

Maximum rate of tax.

Authorization for levy, if voters approve.

Approval of General Assembly.

SEC. 5. No right of action or defense founded upon the invalidity of such election shall be asserted, nor shall the validity of such election or of such bonds, or the right or duty to levy a sufficient tax for the payment of the principal of and the interest on such bonds, or the authority to levy such maintenance tax, be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of such statement of results as hereinabove provided.

Limitation on right of action to question validity of election, bonds, etc.

SEC. 6. If a majority of the qualified voters of said township shall vote in favor of the issuance of such bonds and the levy of such maintenance tax, then the board of county commissioners may provide by resolution, which resolution may be finally passed at the same meeting at which it is introduced, for the issuance of such bonds, which bonds shall be issued in the name and shall constitute general obligations of Gastonia Township. The bonds shall be issued in such form and denomination or denominations, and with such provisions as to the time, place and medium of payment of principal and interest as said board of county commissioners may determine, subject to the limitations and restrictions of this Act. They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time. The bonds of each issue shall mature in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than forty years after such date. No such installment shall be more than two and one half times as great in amount as the smallest prior installment of the same issue. The bonds shall bear

Issuance of bonds, if approved by voters.

Obligations of Township.

Form and denomination. Provisions.

Method of issuance.

Maturity.

Installments.

Interest rate.

interest at a rate or rates not exceeding six per centum per annum, payable semiannually, and may have interest coupons attached, and may be made registerable as to principal alone or as to both principal and interest, under such terms and conditions as may be prescribed by said board. They shall be signed in the name of Gastonia Township by the Chairman of the Board of County Commissioners of Gaston County, and the seal of the county shall be affixed to or impressed upon each bond and attested by the register of deeds of the county or by the clerk of said board; and the interest coupons shall bear the facsimile signature of such chairman. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any change in office occurring after such signing.

Registration.  
Execution.  
Delivery.

SEC. 7. Said board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in said Gastonia Township sufficient to pay the principal of and the interest on the bonds as such principal and interest shall become due. Such special tax shall be in addition to all other taxes authorized to be levied in said township. The taxes provided for in this section shall be collected by the county officer collecting other taxes and be applied solely to the payment of the principal of and the interest on the bonds.

Authorization for levy of special tax.  
Collection.  
Application.

Limitation on issuance of bonds.

SEC. 8. No bonds shall be issued under the provisions of this Act which, including all indebtedness theretofore incurred by said township for airport purposes, shall exceed one per centum of the assessed valuation of taxable property in said township.

Appointment of Airport Commission.

SEC. 9. In the event of a favorable vote upon the question of issuing bonds as hereinabove provided, the board of county commissioners is hereby authorized to appoint an airport commission, consisting of five residents of Gastonia Township but at least two of such members shall at all times be residents of that part of Gastonia Township which is within the corporate limits of the City of Gastonia. Of the members of the commission first appointed, one shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and the remaining member for a term of five years, such terms to commence on the date of their appointment and to continue until their respective successors shall be duly appointed, the term of each appointed member to be designated by the board at the time of his appointment; provided, however, that the appointment of the two members residing within the corporate limits of the City of Gastonia and of their successors shall be subject to confirmation by the city council of said city. The commission shall elect one of its members as chairman of the commission, and shall also elect a secretary and a treasurer, either of whom may or may not be a member of the commission; provided, however, that

Residence of members.

Term of members.

Members from City of Gastonia subject to confirmation by City Council.

Organization of Commission.

the commission may at any time combine the offices of secretary and treasurer. The chairman, secretary and treasurer shall hold such offices at the will of the commission. Three members of the commission shall constitute a quorum and the vote of three members shall be necessary for any action taken by the commission. Any member of the commission shall be eligible for reappointment. The successor in each case shall be appointed and shall hold office for a term of five years from the date of expiration of the term of his predecessor, except that any person appointed to fill a vacancy shall serve only for the unexpired term.

Quorum.

The board of county commissioners shall fix the compensation of the members of the airport commission, provided that no member thereof shall receive a salary in excess of \$..... per annum.

Compensation of members.

The airport commission shall have the powers, duties and responsibilities customarily vested in a board or body operating an airport. Without in any manner limiting or restricting such general powers, the commission shall have power:

Powers of Commission.

(a) to make rules and regulations for its own government and procedure;

To make rules.

(b) to operate, manage and control the airport acquired under the provisions of this Act and all property pertaining to such airport thereafter acquired or constructed;

To operate airport.

(c) to receive and accept from any Federal agency grants for or in aid of the construction of any improvements, and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

To accept Federal aid for construction, etc.

(d) to enter into contracts with the Government of the United States or any agency or instrumentality thereof, and with any private corporation, copartnership, association or individual relating to the use, operation or lease of the airport so acquired; and

To make contracts.

(e) to make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act, and to employ a superintendent, manager, such engineering and construction experts and attorneys, and such other employees and agents, as may be necessary in its judgment, and to fix their compensation; provided, however, that all such expenses shall be payable solely from the proceeds of the special maintenance tax which may be voted for such purpose.

To employ manager, employees, etc.

To fix compensation of employees, etc.

Source from which expenses payable.

SEC. 10. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by other

Powers granted supplemental to powers conferred by other laws.

laws and shall not supplant or repeal any existing powers for the issuance of bonds, or any provisions of law for the payment of bonds issued under such powers, or for the custody of moneys provided for such payment.

Act full authority  
for things  
authorized.

SEC. 11. This Act shall constitute full authority for the things herein authorized and no proceedings, publications, notices, consents or approvals shall be required for the doing of the things herein authorized, except such as are herein prescribed and required, and except that the provisions of the Local Government Act then in force as to the approval of the issuance of bonds and endorsement of such approval upon bonds and as to the sale of bonds and the disposition of the proceeds, shall be applicable to the bonds authorized by this Act. The proceeds shall be paid out only upon order of the board of county commissioners.

Exceptions.

SEC. 12. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 308

CHAPTER 617

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO THE METHOD OF COMMITMENT TO HOSPITALS FOR THE INSANE.

*The General Assembly of North Carolina do enact:*

C. S. 6194,  
relating to method  
of commitment  
to hospitals for  
the insane,  
amended.

SECTION 1. That Chapter one hundred and three of the Consolidated Statutes of one thousand nine hundred and nineteen be amended by substituting a comma for a period at the end of Section six thousand one hundred and ninety-four, and adding the following: "but the clerk shall give at least one day's notice to the alleged insane person of such examination."

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 310

## CHAPTER 618

## AN ACT RELATIVE TO THE COLLECTION OF BACK TAXES IN NEW HANOVER COUNTY AND THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby repealed.

Ch. 264, Public-Local Laws, 1929, repealed.

SEC. 2. That Chapter one hundred and thirty-six of the Private Laws of one thousand nine hundred and twenty-nine be and the same is hereby repealed.

Ch. 136, Private Laws, 1929, repealed.

SEC. 3. That Chapter seventy of the Public-Local Laws of one thousand nine hundred and thirty-seven be and the same is hereby repealed.

Ch. 70, Public-Local Laws, 1937, repealed.

SEC. 4. That Chapter five hundred and twenty of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby repealed.

Ch. 520, Public-Local Laws, 1939, repealed.

SEC. 5. That in order to further the collection of back taxes due New Hanover County and the City of Wilmington in a more equitable manner, the taxes shall be collected under the following regulations: All persons, firms or corporations owing taxes for the years one thousand nine hundred and forty and prior thereto, shall be permitted until January thirty-first, one thousand nine hundred and forty-four, to pay said taxes by the payment of ten per cent (10%) flat interest on the amount of said taxes originally shown on the tax books plus the amount of said taxes; after which time, interest shall be charged at the rate of six per cent (6%) per annum beginning February the first following the years on which said taxes become payable.

Payment of back taxes due New Hanover County and City of Wilmington for 1940 and prior years.

The term "back taxes" shall be construed to mean taxes on property which has been advertised for sale for taxes by the tax collector.

Meaning of "back taxes."

SEC. 6. For the years one thousand nine hundred and forty-one and for one thousand nine hundred and forty-two taxes shall be collected on the basis of said tax plus six per cent (6%) per annum.

Basis of collection of 1941 and 1942 taxes.

SEC. 7. That nothing in this Act shall in any way limit or curtail the powers granted New Hanover County and the City of Wilmington in Chapter seventy-three of the Public-Local Laws of one thousand nine hundred and thirty-five, but said Chapter seventy-three shall remain in full force and effect.

Act not to limit certain powers granted County and City.

SEC. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 316

CHAPTER 619

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO PROVIDE FROM THE CONTINGENCY AND EMERGENCY FUND FOR DEMANDS MADE ON THE VETERANS SERVICE OFFICE OCCASIONED BY PRESENT WAR CONDITIONS.

Preamble:  
Unusual demands on Veterans Service Office contemplated.

WHEREAS, it is now contemplated that demands will be made upon the Veterans Service Office of the State Department of Labor for services greatly in excess of those now being performed, on account of casualties caused by the present state of war, and that the appropriation provided for this purpose in the Biennial Appropriation Bill will be insufficient therefor; and

Appropriation therefor insufficient.

Amount to meet increased demands cannot be ascertained.

WHEREAS, the amount to be expended to maintain said services to meet the increased demands cannot at this time be definitely ascertained: Now, therefore,

*The General Assembly of North Carolina do enact:*

Allocation to supplement appropriation for Veterans Service Office authorized.

SECTION 1. That the Governor and Council of State are hereby authorized and empowered to allocate from the Contingency and Emergency Fund to the Veterans Service Office of the Department of Labor such funds as may be found necessary to supplement the appropriation made in the Biennial Appropriation Bill, to meet the increased demands upon such service as may be occasioned by casualties incident to the present world war.

Purpose.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 318

CHAPTER 620

AN ACT TO AMEND CHAPTER ONE HUNDRED OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, RELATING TO SANITARY DISTRICTS SO AS TO PROVIDE FOR THE DISSOLUTION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-seven, as amended, is hereby further amended by inserting a new section between Sections twenty-four and twenty-five of said chapter, the new section to read as follows:

Ch. 100, Public Laws, 1927, amended.

"SEC. 24½. If any sanitary district established under this chapter has been in existence for as much as three years, and has no outstanding indebtedness, fifty-one per cent (51%) or more of the resident freeholders therein may petition the board of commissioners of the county in which the district or the greater part thereof is situated to dissolve said district. Upon receipt of such petition, the board of county commissioners shall hold a public hearing upon the question of dissolving said district. Notice of such hearing shall be posted at the courthouse door of the county or counties in which the district lies and shall also be published at least once a week for four successive weeks in a newspaper published in or near the district, and having a general circulation therein.

Dissolution of certain sanitary districts.

Petition to County Commissioners.

Public hearing.

Notice.

"If, after the hearing, the county board of commissioners approves the petition, the chairman shall transmit the petition to the State Board of Health requesting that the sanitary district be dissolved. The State Board of Health shall name a time and place within the district at which the Board of Health, through a representative, shall hold a public hearing concerning the dissolution of the district. The State Board of Health shall cause notice of the hearing to be given by publication at least once a week for two successive weeks in a newspaper published in or near the district, and having a general circulation therein. In the event that all matters pertaining to the dissolution of the sanitary district cannot be concluded at the hearing, any such hearing may be continued at a time and place determined by the representative of the State Board of Health. If after such hearing, the State Board of Health shall deem it advisable to comply with the request of said petition, it shall adopt a resolution to that effect, whereupon the district shall be deemed dissolved."

If approved by Commissioners, petition to go to State Board of Health.

Public hearing held by Board of Health.

Notice.

Dissolution by Board.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 320

## CHAPTER 621

AN ACT TO REARRANGE THE SECTIONS AND ARTICLES OF CHAPTER NINETY-SEVEN OF THE GENERAL STATUTES FOR CODIFICATION PURPOSES.

*The General Assembly of North Carolina do enact:*

Rearrangement of Ch. 97 of General Statutes authorized.

SECTION 1. The Division of Legislative Drafting and Codification of Statutes of the State Department of Justice is hereby authorized to rearrange the order of the sections and articles of Chapter ninety-seven of the General Statutes, in order to achieve a more logical arrangement of said sections and articles and to renumber and change internal references in so far as the same may be necessary or desirable.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## S. B. 321

## CHAPTER 622

AN ACT TO AMEND THE NORTH CAROLINA WORKMEN'S COMPENSATION ACT, CHAPTER ONE HUNDRED AND TWENTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, AS AMENDED BY CHAPTER FOUR HUNDRED AND FORTY-NINE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, SO AS TO GIVE THE EMPLOYER THE EXCLUSIVE RIGHT OF ACTION AGAINST THE THIRD PARTY WITHIN SIX MONTHS AND TO PROVIDE FOR PRORATING ATTORNEY'S FEES IN SUCH CASES.

*The General Assembly of North Carolina do enact:*

Sec. 11, Ch. 120, Public Laws, 1929, being the Workmen's Compensation Act, amended.

SECTION 1. That Section eleven, Chapter one hundred and twenty, Public Laws of one thousand nine hundred and twenty-nine, as amended by Chapter four hundred and forty-nine, Public Laws of one thousand nine hundred and thirty-three, be and is hereby amended as follows:

(a) By striking out after the word "Act" and the colon in line thirteen thereof, that part of the proviso beginning with the word "Provided" down through the word "action" in line fourteen and substituting the following:

Right of employer to commence action in certain instances.

"Provided further that after the Industrial Commission shall have issued an award, or the employer or his carrier has admitted liability in writing and filed same with the Industrial

Commission, the employer or his carrier shall have the exclusive right to commence an action."

(b) By adding after the word "thereto" and the period in line twenty-six, the following:

"Provided further that the amount of attorney's fees paid out in the distribution of the above recovery shall be a charge against the amount due and payable to the employer and employee in proportion to the amount each shall receive out of the recovery."

Proration of attorney's fees in certain cases.

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 331

## CHAPTER 623

### AN ACT TO AUTHORIZE THE COMMISSIONERS OF JACKSON COUNTY TO LEVY A SPECIAL HOSPITAL TAX.

WHEREAS, there is at present located in Jackson County the C. J. Harris Community Hospital operated under the direction of a board of trustees for the benefit of the public, in which hospital a large amount of charity work is performed for indigent citizens of Jackson County; and

Preamble:  
C. J. Harris Community Hospital in Jackson County.

Charity work performed.

WHEREAS, sufficient funds are not now available for the continued and successful operation of said hospital: Now, therefore,

Sufficient funds not available for operation.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Jackson County be, and they are hereby, authorized and empowered, in their discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than one cent (1¢) on each one hundred dollars valuation of property in said county, the same when collected to be applied to the support of a non-profit sharing hospital or hospitals located in Jackson County and operated for the benefit of the public, such hospital or hospitals to be selected and designated by the Board of County Commissioners of Jackson County. The appropriations and taxes for the purposes hereinbefore provided are hereby declared to be for necessary expenses and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General

Special tax levy authorized for Jackson County.

Limit of tax.

For support of certain kinds of hospitals.

Taxes for such purpose declared necessary expense.

Approval of General Assembly.

Valid without  
vote.

Assembly is hereby given and shall be valid and binding without a vote of the majority of the qualified voters of the county.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 332

CHAPTER 624

AN ACT TO AUTHORIZE THE ALLOCATION OF FUNDS FROM THE CONTINGENCY AND EMERGENCY FUND TO DEFRAY ADMINISTRATIVE EXPENSES PROVIDED FOR IN CONJUNCTION WITH THE CREATION OF UNIFIED BOARDS OF DIRECTORS FOR CERTAIN STATE HOSPITALS AND CORRECTIONAL INSTITUTIONS.

Preamble:

Unified Board of Directors created by S. B. No. 129 for certain State institutions.

WHEREAS, a unified board of directors is created by Senate Bill Number one hundred and twenty-nine for The State Hospital at Raleigh, The State Hospital at Morganton, The State Hospital at Goldsboro and The Caswell Training School at Kinston; and

Unified Board created by S. B. No. 225 for certain other State institutions.

WHEREAS, a unified board of directors is created by Senate Bill Number two hundred and twenty-five for The Stonewall Jackson Manual Training and Industrial School, The Eastern Carolina Industrial Training School for Boys, The Industrial Farm Colony for Women, The State Home and Industrial School for Girls, The Morrison Training School and The State Training School for Negro Girls; and

Proration of certain costs among institutions.

WHEREAS, in each of said bills provision is made for prorating among the several institutions certain administrative costs relating to certain employees responsible to the unified boards; and

Appropriations for said institutions determined prior to enactment of said bills.

WHEREAS, the biennial appropriations for the several institutions were determined upon prior to the enactment of the bills above referred to; and

Possible inadequacy of appropriations for administrative expenses.

WHEREAS, such biennial appropriations might prove inadequate to defray the additional administrative expenses necessary to carry out the purposes of said bills: Now, therefore,

*The General Assembly of North Carolina do enact:*

Allocation authorized to pay additional administrative expenses, if appropriations prove inadequate.

SECTION 1. That in the event the appropriations made to the several above-named institutions should not prove adequate to defray a part or all of the additional administrative expenses made necessary as described above, the Governor and Council of State are hereby authorized to allocate from the Contingency

and Emergency Fund such amount or amounts as may, with respect to any one or more of said institutions, be necessary to defray said administrative expenses.

From Contingency and Emergency Fund.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 333

### CHAPTER 625

#### AN ACT TO PROHIBIT THE MANUFACTURE OR SALE OF ANTI-FREEZE SOLUTIONS COMPOUNDED WITH INORGANIC SALTS OR PETROLEUM DISTILLATES.

WHEREAS, thousands of cars and trucks have been destroyed through use of anti-freeze solution compounded with inorganic salts; and

Preamble:

Cars destroyed by anti-freeze compounded with inorganic salts.

WHEREAS, the War Production Board, the Office of Price Administration, the Office of Defense Transportation, and the National Bureau of Standards have found solutions containing calcium chloride, magnesium chloride, or sodium chloride, as well as petroleum distillates such as kerosene, cause irreparable damage to radiators, ignition systems, and rubber connections; and

Damage to radiators, etc., found by Federal Agencies to be caused by certain solutions.

WHEREAS, the War Production Board, after careful study, prohibited the manufacture of such harmful solutions; and

Manufacture of such solutions prohibited by W. P. B.

WHEREAS, the Director of the Office of Defense Transportation has warned all motorists against the solutions, which he said "are known to have corrosive action on engine jackets, on the solder in radiators, and on aluminum"; and

Warning to motorists.

WHEREAS, it is to the interest of the State of North Carolina to make sure that none of these detrimental solutions will be used in motor vehicles in this State: Now, therefore,

Use of detrimental solutions in N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. The manufacture or sale of anti-freeze solutions which are designated, intended, advertised, or recommended by the manufacturer or seller for use in the cooling systems of motor vehicles or gasoline combustion engines, and which are compounded with calcium chloride, magnesium chloride, sodium chloride, or other inorganic salts or with petroleum distillates is hereby prohibited.

Manufacture or sale of certain anti-freeze solutions prohibited.

Violation made  
misdemeanor.

SEC. 2. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 336

CHAPTER 626

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO ALLOCATE ADDITIONAL FUNDS FROM THE CONTINGENCY AND EMERGENCY FUND TO PEMBROKE STATE COLLEGE FOR INDIANS FOR THE NEXT BIENNIUM.

*The General Assembly of North Carolina do enact:*

Additional allotment for Pembroke State College for Indians authorized.

Purpose.

Limitation.

Conflicting laws repealed.

SECTION 1. The Governor and Council of State are hereby authorized and empowered, within their discretion, to allot to the Pembroke State College for Indians, in addition to appropriations made in the general Appropriations Bill, for maintenance during the next biennium, such sums as may be found necessary for said purpose not to exceed two thousand one hundred and fifty dollars (\$2,150.00) additional for the first year of said biennium, and two thousand one hundred and fifty dollars (\$2,150.00) additional for the second year of said biennium.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 337

## CHAPTER 627

AN ACT TO AMEND SECTIONS FIVE THOUSAND SEVEN HUNDRED AND THIRTY-FIVE AND FIVE THOUSAND SEVEN HUNDRED AND THIRTY-SEVEN OF VOLUME THREE OF THE CONSOLIDATED STATUTES AND CHAPTER THREE HUNDRED AND FIFTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE TERMS OF OFFICE AND PER DIEM OF THE MEMBERS OF THE TEXTBOOK COMMISSION ON ELEMENTARY TEXTBOOKS AND THE STATE COMMITTEE ON HIGH SCHOOL TEXTBOOKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section five thousand seven hundred and thirty-five of Volume three of the Consolidated Statutes is hereby amended by inserting after the words "shall appoint" and before the words "a textbook commission" in the second line of said section the following words: "on April first, one thousand nine hundred and forty-three and annually thereafter."

C. S. 5735, vol. 3, relative to the Textbook Commission, amended.

Said section is hereby further amended by striking out the words "five years" after the words "serve for" and before the word "or" in the fourth line and inserting in lieu thereof the words "one year."

C. S. 5735, vol. 3, further amended.

Said section is hereby further amended by adding the following sentence at the end of said section:

Sec. 5735, vol. 3, further amended.

"The members of the commission shall be subject to the call of the State Board of Education at any time during their term of service."

Commission subject to call of State Board of Education.

SEC. 2. Section five thousand seven hundred and thirty-seven of the Consolidated Statutes is hereby amended by rewriting said section to read as follows:

C. S. 5737 rewritten.

"SEC. 5737. Each member of the Textbook Commission shall be paid five dollars (\$5.00) a day for actual attendance upon meetings of the commission and actual expenses incurred by such attendance."

Compensation of members of Textbook Commission.

SEC. 3. The terms of office of the incumbent members of the Textbook Commission, appointed pursuant to Section five thousand seven hundred and thirty-five of Volume three of the Consolidated Statutes, shall expire on April first, one thousand nine hundred and forty-three.

Term of office of incumbent members of Commission.

SEC. 4. Section two of Chapter three hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-one is hereby amended by rewriting said section to read as follows:

Sec. 2, Ch. 359, Public Laws, 1931, rewritten.

Appointment of State Committee on High School Textbooks.

Membership and term of office.

Compensation of members.

Conflicting laws repealed.

"SEC. 2. That the Governor and State Superintendent of Public Instruction, at the expiration of the terms of office of the members of the State Committee on High School Textbooks, and annually thereafter, shall appoint a State Committee on High School Textbooks, consisting of five members, five of whom are actively engaged in school work, who shall serve for a term of one year. Members of the committee shall be paid five dollars (\$5.00) a day for actual attendance upon meetings of the committee called by or under the direction of the Superintendent of Public Instruction, and actual expenses incurred by such attendance."

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 338

### CHAPTER 628

#### AN ACT RELATING TO THE FEES OF THE REGISTER OF DEEDS OF COLUMBUS COUNTY FOR FURNISHING CERTIFIED COPIES OF RECORDS.

*The General Assembly of North Carolina do enact:*

Register of Deeds of Columbus County to retain fees for furnishing copies of records.

Such fees additional compensation.

Conflicting laws repealed.

SECTION 1. All fees collected by the Register of Deeds of Columbus County for furnishing certified copies of records in his office, as prescribed by law, shall be retained by said register of deeds personally and such fees shall be allowed to the register of deeds in addition to any other compensation which he now receives by virtue of his office.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 345

## CHAPTER 629

AN ACT TO DISCONTINUE CERTAIN TERMS OF SUPERIOR COURT IN MOORE COUNTY AND PROVIDE FOR TRIAL OF UNCONTESTED DIVORCE CASES AT ANY CRIMINAL TERM OF SUPERIOR COURT OF SAID COUNTY BY CONSENT OF THE PRESIDING JUDGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The March civil term of two weeks and the December civil term of one week of Superior Court for Moore County, as is now provided by law, shall be discontinued and no term of Superior Court shall be held in Moore County during the months of March and December.

Certain terms of Court in Moore County discontinued.

SEC. 2. Uncontested divorce cases may be tried at any criminal term of Superior Court by permission of the presiding judge.

Trial of uncontested divorce cases at criminal terms.

SEC. 3. All laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 346

## CHAPTER 630

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, BEING "AN ACT TO FIX THE SALARY OF THE CORONER OF THE COUNTY OF PASQUOTANK."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter one hundred and two of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by striking out the words "the sum of three hundred dollars per annum" in line five and by substituting in lieu thereof the words "the sum of six hundred dollars per annum."

Sec. 1, Ch. 102, Public-Local Laws, 1939, relating to the salary of the Coroner of Pasquotank County, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 347

## CHAPTER 631

## AN ACT TO REGULATE THE RELEASE AND HUNTING OF FOXES IN SOUTHPOINT TOWNSHIP OF GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Unlawful to release foxes in Southpoint Township of Gaston County.

SECTION 1. That it shall be unlawful for any person, firm or corporation to release foxes in Southpoint Township of Gaston County for any purposes whatsoever.

Hunting of foxes.

SEC. 2. That foxes may be hunted, chased with dogs, killed with gun, trapped or destroyed in Southpoint Township of Gaston County during any season of the year.

Penalty for violation of Act.

SEC. 3. That any person, firm or corporation violating the provisions of this Act shall, upon conviction thereof, be fined not more than fifty (\$50.00) dollars or imprisoned for not more than thirty (30) days.

Application of Act.

SEC. 4. That this Act shall apply only to Southpoint Township in Gaston County, North Carolina.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 349

## CHAPTER 632

## AN ACT WITH REFERENCE TO THE GREAT SEAL OF THE STATE AND THE SEAL OF ANY DEPARTMENT OF THE STATE, AND THE SEALS OF COURTS OF RECORD, AMENDING SECTION SEVEN THOUSAND SIX HUNDRED AND FIFTY OF THE CONSOLIDATED STATUTES.

*The General Assembly of North Carolina do enact:*

C. S. 7650 rewritten.

SECTION 1. That Section seven thousand six hundred and fifty of the Consolidated Statutes be, and the same hereby is, amended so as to read as follows:

Replacement of Great Seal of State.

“Whenever the Great Seal of the State shall be lost or so worn or defaced as to render it unfit for use, the Governor shall provide a new one and when such new one is provided the former one, if it can be found, shall be destroyed in the presence of the Governor. Whenever the seal of any department of the State shall be lost or so worn or defaced as to render it unfit for use, a new seal shall be provided by the head of the

Destruction of former seal.

Replacement of seals of State Departments.

department and the former one, if it can be found, shall be destroyed in the presence of the head of the department. Whenever the seal of any court of record shall be lost or so worn or defaced as to render it unfit for use, the board of county commissioners of the county in which such court is situate shall provide a new one and the old one, if it can be found, shall be destroyed in the presence of the chairman of the board of county commissioners of such county.”

Destruction of former seals.

Replacement of seals of courts.

Destruction of old seal.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 350

### CHAPTER 633

AN ACT TO AMEND THE TERM OF OFFICE OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CANTON, HAYWOOD COUNTY, NORTH CAROLINA, ALSO THE TERM OF OFFICE OF CHARLES R. RHODARMER AND GOBLE McCracken, BEAVERDAM TOWNSHIP SCHOOL COMMITTEEMEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of office of the Mayor and Board of Aldermen of the Town of Canton, Haywood County, North Carolina, and the term of office of Charles R. Rhodarmer and Goble McCracken, Beaverdam Township School Committeemen be, and is hereby, extended for two years from the expiration of their present term of office.

Term of Mayor and Aldermen of Town of Canton extended.

Term of certain Beaverdam Township School Committeemen extended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 18

## CHAPTER 634

AN ACT TO AMEND THE MACHINERY ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, THE SAME BEING CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED AND SUPPLEMENTED BY CHAPTERS THIRTY-SIX, ONE HUNDRED AND TWENTY-FIVE, TWO HUNDRED AND TWENTY-ONE, TWO HUNDRED AND EIGHTY-TWO, AND THREE HUNDRED AND TWENTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AND AS OTHERWISE AMENDED.

*The General Assembly of North Carolina do enact:*

Sec. 300, Ch. 310, Public Laws, 1939, being the Machinery Act, amended.

SECTION 1. That Section three hundred of the Machinery Act, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be amended by adding at the end of said section the following:

Effect of failure to provide for revaluation of real property in revaluation year.

“Provided, further, that if the board of commissioners of any county shall neglect to provide for a general revaluation of all real property in the county in any revaluation year, such neglect shall not have the effect of invalidating existing valuations and tax levies.”

Sec. 600, relative to exemption of certain real property from taxation, amended.

SEC. 2. That Section six hundred of the Machinery Act, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be further amended as follows:

Sec. 600(1) rewritten.

(a) By striking out Subsection (1) and substituting in lieu thereof the following:

Real property owned by U. S. or by State.

“Real property owned by the United States or this State, and real property owned by the State for the benefit of any general or special fund of the State, and real property lawfully owned and held by counties, cities, townships, or school districts, used wholly and exclusively for public or school purposes. The repeal of the exemption of real property indirectly owned by Federal, State or local governments shall be effective for the tax year one thousand nine hundred and forty-three, and such property indirectly owned shall be placed upon the tax books for one thousand nine hundred and forty-three and subject to the tax rates levied on real estate in the year one thousand nine hundred and forty-three.”

Owned by counties, cities, etc. and used for public purposes.

Date repeal of exemption of property owned indirectly by Federal, State or local governments effective.

Sec. 600(7) repealed.

(b) By striking out Subsection (7) thereof.

Sec. 600(8) amended.

(c) By striking out in Subsection (8) thereof the words “or the income therefrom is exclusively used for.”

SEC. 3. That Section one thousand six hundred and four of the Machinery Act, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be amended by adding at the end of said section the following:

Sec. 1604 relative to method of taxing property of freight-car companies, amended.

“The operation of this section shall be suspended during the continuance of Section eight hundred and fifty-two of the Revenue Act, prescribing a method of taxing freight car line companies on the basis of their gross receipts from operation of their properties in this State. If for any reason such method of taxing freight car line companies prescribed in Section eight hundred and fifty-two should be held to be invalid, the provisions of Section one thousand six hundred and four of the Machinery Act shall again become operative, as if it had not been suspended, and it shall be the duty of the State Board of Assessment to assess for ad valorem taxation all properties of freight line companies subject to tax under this section and all properties of such freight line companies not heretofore assessed under this section.”

Section suspended during continuance of Sec. 852 of Revenue Act.

Section to become operative if Sec. 852 of Revenue Act held invalid.

SEC. 4. That the Secretary of State with the advice of the Attorney General shall insert in the Machinery Act of one thousand nine hundred and thirty-nine, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of one thousand nine hundred and thirty-nine, one thousand nine hundred and forty-one, and one thousand nine hundred and forty-three, and shall print in codified form three thousand copies of said Act as amended and supplemented, which shall be delivered to the State Board of Assessment for distribution. This compilation when certified by the Secretary of State and the Attorney General to be a true and accurate compilation of the Machinery Act of one thousand nine hundred and thirty-nine, and all amendments thereto, shall be an official compilation or statement of the Machinery Act of one thousand nine hundred and thirty-nine, as amended.

Provision for printing in codified form Machinery Act and amendments thereto.

3000 copies.

Official compilation.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That except as otherwise provided herein, this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 106

## CHAPTER 635

## AN ACT TO PROVIDE FOR COMPENSATION FOR THE INJURY OF THELMA FARTHING, A SCHOOL CHILD OF WATAUGA COUNTY, RECEIVED WHILE BUSES WERE LOADING AFTER SCHOOL.

Thelma Farthing injured by school bus.

WHEREAS, Thelma Farthing, a school child of Watauga County, North Carolina, on the nineteenth of March, one thousand nine hundred and forty-one, was injured while walking between two school buses parked in front of the school building for loading, immediately after the dismissal of school, when a student in the rear bus stepped on the starter, causing it to move forward suddenly, causing her legs to be caught and crushed between the two bumpers, to the end that she had to spend forty-nine days in Duke Hospital at Durham, and incurred considerable hospital and doctors' expense; and

Accident not covered by Ch. 245, Public Laws, 1935.

WHEREAS, such accident is not covered by Chapter two hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-five, because the child was not injured while riding in a school bus; and

Expenses should be paid.

WHEREAS, it appears that the necessary expenses incurred in the treatment of the child for said injuries should be paid: Now, therefore,

*The General Assembly of North Carolina do enact:*

Reimbursement authorized to parent of injured child for expenses.

SECTION 1. The State School Commission is hereby authorized and empowered, after making an investigation of the facts of the case, to pay, in its discretion, to C. C. Farthing, the father of the injured child, Thelma Farthing, such sum or sums as it may find just and equitable, not to exceed one thousand and two hundred dollars (\$1,200.00), to compensate the said C. C. Farthing for such sum or sums as he may have expended or may owe for hospital care, nursing care, doctors' services, medicine, ambulance trips and other expenses incurred in the treatment of the injury received by his daughter, Thelma Farthing: Provided, however, that C. C. Farthing shall furnish to the State School Commission itemized receipts or bills showing the amounts expended or still due and outstanding on account of the injury received by his daughter, Thelma Farthing.

Not to exceed \$1200.00.

Receipts or bills to be furnished State School Commission.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 116

## CHAPTER 636

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FIFTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, KNOWN AS "THE HOUSING AUTHORITIES LAW," RELATING TO THE CREATION OF HOUSING AUTHORITIES TO ENGAGE IN SLUM CLEARANCE AND PROJECTS TO PROVIDE DWELLING ACCOMMODATIONS FOR PERSONS OF LOW INCOME (INCLUDING FARMERS OF LOW INCOME) AND TO DEFINE THEIR POWERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section three of Chapter four hundred and fifty-six, Public Laws of one thousand nine hundred and thirty-five, as amended, be and the same is hereby amended by striking out Subsections five and twelve of said section and inserting in lieu of said subsections the following:

Sec. 3, Ch. 456,  
Public Laws,  
1935, amended.

"(5) 'Municipality' shall mean any city, town, incorporated village or other municipality in the State.

Definition of  
"municipality."

"(12) 'Bonds' shall mean any bonds, interim certificates, notes, debentures, obligations, or other evidences of indebtedness issued pursuant to this Act."

Definition of  
"bonds."

SEC. 2. That Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is hereby amended by striking out Section ten and inserting in lieu thereof the following:

Sec. 10  
rewritten.

"SEC. 10. Coöperation of authorities. Any two or more authorities may join or coöperate with one another in the exercise, either jointly or otherwise, of any or all of their powers for the purpose of financing (including the issuance of bonds, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to a housing project or projects located within the boundaries of any one or more of said authorities. For such purpose an authority may by resolution prescribe and authorize any other housing authority or authorities, so joining or coöperating with it, to act on behalf with respect to any or all of such powers. Any authorities joining or coöperating with one another may by resolutions appoint from among the commissioners of such authorities an executive committee with full power to act on behalf of such authorities with respect to any or all of their powers, as prescribed by resolutions of such authorities."

Cooperation of  
Authorities.

Joint executive  
committee.

SEC. 3. That Section thirty-five of Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is

Sec. 35,  
amended.

hereby amended by striking out the first paragraph of said section and inserting in lieu thereof the following:

Creation of Regional Housing Authority by contiguous counties.

“SEC. 35. Creation of regional housing authority. If the board of county commissioners of each of two or more contiguous counties having an aggregate population of more than sixty thousand (60,000) by resolution declares that there is a need for one housing authority to be created for all of such counties to exercise powers and other functions herein prescribed for a housing authority in such counties, a public body corporate and politic to be known as a regional housing authority for all of such counties shall (after the commissioners thereof file an application with the Secretary of State as hereinafter provided) thereupon exist for and exercise its powers and other functions in such counties; and thereupon any housing authority created for any of such counties shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as hereinafter provided: Provided, that the board of county commissioners shall not adopt a resolution as aforesaid if there is a county housing authority created for such county which has any bonds or notes outstanding unless first, all holders of such bonds and notes consent in writing to the substitution of such regional housing authority in lieu of such county housing authority on all such bonds and notes; and second, the commissioners of such county housing authority adopt a resolution consenting to the transfer of all the rights, contracts, obligations, and property, real and personal, of such county housing authority to such regional housing authority as hereinafter provided: Provided, further, that when the above conditions are complied with and such regional housing authority is created and authorized to exercise its powers and other functions, all rights, contracts, agreements, obligations, and property, real and personal, of such county housing authority shall be in the name of and vest in such regional housing authority, and all obligations of such county housing authority shall be the obligations of such regional housing authority and all rights and remedies of any person against such county housing authority may be asserted, enforced, and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced, and prosecuted against such county housing authority. When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed of such property to the regional housing authority which thereupon shall file such deed in the office provided for the filing of deeds: Provided, that nothing contained in this sentence shall affect the vesting of property in the regional housing authority as provided above.”

Effect on existing county authority.

Requirements where county authority has outstanding bonds.

Consent by bondholders.

Consent by county authority to transfer of its property, obligations, etc.

Effect of creation of regional authority.

Conveyance of lands of county authority to regional authority.

Sec. 36 amended.

SEC. 4. That Section thirty-six of Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is

hereby amended by striking out the first four sentences of said section and inserting in lieu thereof the following:

"The board of county commissioners of each county included in regional housing authority shall appoint one person as a commissioner of such authority, and each such commissioner to be first appointed by the board of county commissioners of a county may be appointed at or after the time of the adoption of the resolution declaring the need for such regional housing authority or declaring the need for the inclusion of such county in the area of operation of such regional housing authority. When the area of operation of a regional housing authority is increased to include an additional county or counties as provided in this Act, the board of county commissioners of each such county shall thereupon appoint one additional person as a commissioner of the regional housing authority. The board of county commissioners of each county shall appoint the successor of the commissioner appointed by it. If any county is excluded from the area of operation of a regional housing authority, the office of the commissioner of such regional housing authority appointed by the board of county commissioners of such county shall be thereupon abolished. A certificate of the appointment of any such commissioner signed by the chairman of the board of county commissioners (or the appointing officer) shall be conclusive evidence of the due and proper appointment of such commissioner. If the area of operation of a regional housing authority consists at any time of an even number of counties, the Governor of North Carolina shall appoint one additional commissioner to such regional housing authority whose term of office shall be as herein provided for a commissioner of a regional housing authority, except that such term shall end at any earlier time that the area of operation of the regional housing authority shall be changed to consist of an odd number of counties."

Appointment of Commissioners of Regional Housing Authority.

Evidence of appointment.

Appointment of additional commissioner by Governor in certain cases.

SEC. 5. That Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is hereby amended by adding at the end of said chapter the following sections:

Ch. 456, Public Laws, 1935, amended.

"SEC. 40. Area of operation of city, county and regional housing authorities. The boundaries or area of operation of a housing authority created for a city shall include said city and the area within ten miles from the territorial boundaries of said city, but in no event shall it include the whole or a part of any other city, except as otherwise provided herein. The area of operation or boundaries of a housing authority created for a county shall include all of the county for which it is created and the area of operation or boundaries of a regional housing authority shall include (except as otherwise provided elsewhere in this Act) all of the counties for which such regional housing authority is created and established: Provided, that a county or regional housing authority shall not undertake any housing

Area of city, county, and regional housing authorities.

Operations of county or regional authorities in cities.

project or projects within the boundaries of any city unless a resolution shall have been adopted by the governing body of such city (and also by any housing authority which shall have been theretofore established and authorized to exercise its powers in such city) declaring that there is a need for the county or regional housing authority to exercise its power within such city: Provided, that the jurisdiction of any rural housing authority to which the Secretary of State has heretofore issued a certificate of incorporation shall extend to within a distance of one mile of the town or city limits of any town or city having a population in excess of five thousand, located in any county now or hereafter constituting a part of the territory of such rural housing authority: Provided, further, that this provision shall not affect the jurisdiction of any city housing authority to which the Secretary of State has heretofore issued a certificate of incorporation.

Jurisdiction of certain rural housing authorities.

Increasing area of operation of regional authority.

Additional contiguous counties.

Procedure.

Effect on existing county authority.

Requirements where county authority has outstanding bonds.

Consent by bondholders.

Consent by county authority to transfer of its property, bonds, etc.

Effect of inclusion of additional county in regional authority.

“SEC. 41. Increasing area of operation of regional housing authority. The area of operation or boundaries of a regional housing authority shall be increased from time to time to include one or more additional contiguous counties not already within a regional housing authority if the board of county commissioners of each of the counties then included in the area of operation of such regional housing authority, the commissioners of the regional housing authority and the board of county commissioners of each such additional county or counties each adopts a resolution declaring that there is a need for the inclusion of such additional county or counties in the area of operation of such regional housing authority. Upon the adoption of such resolutions, any county housing authority created for any such additional county shall cease to exist except for the purpose of winding up its affairs and executing a deed to the regional housing authority as hereinafter provided: Provided, however, that such resolutions shall not be adopted if there is a county housing authority created for any such additional county which has any bonds or notes outstanding unless first, all holders of such bonds and notes consent in writing to the substitution of such regional housing authority in lieu of such county housing authority as the obligor thereon; and second, the commissioners of such county housing authority adopt a resolution consenting to the transfer of all the rights, contracts, bonds, and property, real and personal, of such county housing authority to such regional housing authority as hereinafter provided: Provided, further, that when the above two conditions are complied with and the area of operation of such regional housing authority is increased to include such additional county, as hereinabove provided, all rights, contracts, bonds, and property, real and personal, of such county housing authority shall be in the name of and vested in such regional housing authority, all contracts and bonds of such county housing authority shall be the contracts and bonds of such regional housing authority

and all rights and remedies of any person against such county housing authority may be asserted, enforced, and prosecuted against such regional housing authority to the same extent as they might have been asserted, enforced, and prosecuted against such county housing authority.

“When any real property of a county housing authority vests in a regional housing authority as provided above, the county housing authority shall execute a deed of such property to the regional housing authority which thereupon shall file such deed in the office provided for the filing of deeds: Provided, that nothing contained in this sentence shall affect the vesting of property in the regional housing authority as provided above.

Conveyance of  
of lands of  
county authority  
to regional  
authority.

“The board of county commissioners of each of the counties in the regional housing authority, the commissioners of the regional housing authority and the board of county commissioners of each such additional county or counties shall by resolution declare that there is a need for the inclusion of such county or counties in the area of operation of the regional housing authority, only if (a) the board of county commissioners of each such additional county or counties find that insanitary or unsafe inhabited dwelling accommodations exist in such county or there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income at rentals they can afford, and (b) the board of county commissioners of each of the counties then included in the area of operation of the regional housing authority, the commissioners of the regional housing authority and the board of county commissioners of each such additional county or counties find that the regional housing authority would be a more efficient or economical administrative unit if the area of operation of the regional housing authority is increased to include such additional county or counties.

Findings required  
for inclusion  
of additional  
county.

Certain inade-  
quate housing  
conditions in  
additional county.

More efficient  
administration  
of regional  
authority.

“SEC. 42. Decreasing area of operation of regional housing authority. The area of operation or boundaries of a regional housing authority shall be decreased from time to time to exclude one or more counties from such area if the board of county commissioners of each of the counties in such area and the commissioners of the regional housing authority each adopt a resolution declaring that there is a need for excluding such county or counties from such area: Provided, that no action may be taken pursuant to this section if the regional housing authority has outstanding any bonds or notes, unless first, all holders of such bonds or notes consent in writing to such action: Provided, further, that if such action decreases the area of operation of the regional housing authority to only one county, such authority shall thereupon constitute and become a housing authority for such county, in the same manner as though such authority were created, and constituted a public

Decrease of area  
of regional hous-  
ing authority.

Procedure.

Requirements  
where regional  
authority has  
outstanding  
bonds.

Consent by  
bondholders.

Effect where  
decrease reduces  
area to one  
county.

and corporate body for such county pursuant to other provisions of this Housing Authority Law and the commissioners of such authority shall be thereupon appointed as provided for the appointment of commissioners of a housing authority created for a county.

Findings required for excluding county.

“The board of county commissioners of each of the counties in the area of operation of the regional housing authority and the commissioners of the regional housing authority shall adopt a resolution declaring that there is a need for excluding a county or counties from such area only if: (a) each such board of county commissioners of the counties to remain in the area of operation of the regional housing authority and the commissioners of the regional housing authority find that (because of facts arising or determined subsequent to the time when such area first included the county or counties to be excluded) the regional housing authority would be a more efficient or economical administrative unit if such county or counties were excluded from such area, and (b) the board of county commissioners of each county or counties to be excluded and the commissioners of the regional housing authority each also find that (because of the aforesaid changed facts) another housing authority for such county or counties would be a more efficient or economical administrative unit to function in such county or counties. Nothing contained herein shall be construed as preventing a county or counties excluded from the area of operation of a regional housing authority, as provided above, from thereafter being included within the area of operation of any housing authority in accordance with this Act.

More efficient administration of regional authority.

More efficient administration for excluded county by other authority.

Disposition of property of regional authority in excluded county.

“Any property held by a regional housing authority within a county or counties excluded from the area of operation of such authority as herein provided, shall (as soon as practicable after the exclusion of said county or counties, respectively) be disposed of by such authority in the public interest.

Requirements of public hearings.

“SEC. 43. Requirements of public hearings. The board of county commissioners of a county shall not adopt any resolution authorized by Sections thirty-five, forty-one or forty-two of this Act unless a public hearing has first been held which shall conform (except as otherwise provided herein) to the requirements of this Housing Authorities Law for hearings to determine the need for a housing authority of a county: Provided, that such hearings may be held by the board of county commissioners without a petition therefor.

Covenant to limit right to change area.

“In connection with the issuance of bonds, a regional housing authority may covenant as to limitations on its right to adopt resolutions relating to the increase or decrease of its area of operation.

Consolidated housing authority for certain municipalities.

“SEC. 44. Consolidated housing authority. If the governing body of each of two or more municipalities (with a population

of less than five thousand, but having an aggregate population of more than five thousand) by resolution declares that there is a need for one housing authority for all of such municipalities to exercise in such municipalities the powers and other functions prescribed for a housing authority, a public body corporate and politic to be known as a consolidated housing authority (with such corporate name as it selects) shall thereupon exist for all of such municipalities and exercise its powers and other functions within its area of operation (as herein defined), including the power to undertake projects therein; and thereupon any housing authority created for any of such municipalities shall cease to exist except for the purpose of winding up its affairs and executing a deed of its real property to the consolidated housing authority: Provided, that the creation of a consolidated housing authority and the finding of need therefor shall be subject to the same provisions and limitations of this Housing Authorities Law as are applicable to the creation of a regional housing authority and that all of the provisions of this Housing Authorities Law applicable to regional housing authorities and the commissioners thereof shall be applicable to consolidated housing authorities and the commissioners thereof: Provided, further, that the area of operation or boundaries of a consolidated housing authority shall include all of the territory within the boundaries of each municipality joining in the creation of such authority together with the territory within ten miles of the boundaries of each such municipality, except that such area of operation may be changed to include or exclude any municipality or municipalities (with its aforesaid surrounding territory) in the same manner and under the same provisions as provided in this Act for changing the area of operation of a regional housing authority by including or excluding a contiguous county or counties: Provided, further, that for all such purposes the term 'board of county commissioners' shall be construed as meaning 'governing body' except in Section thirty-six of this Act, where it shall be construed as meaning 'mayor' or other executive head of the municipality, the term 'county' shall be construed as meaning 'municipality,' the term 'clerk' shall be construed as meaning 'clerk of the municipality or officer with similar duties,' the term 'region' shall be construed as meaning 'area of operation of the consolidated housing authority' and the terms 'county housing authority' and 'regional housing authority' shall be construed as meaning 'housing authority of the city' and 'consolidated housing authority,' respectively, unless a different meaning clearly appears from the context.

Powers and functions.

Effect on existing municipal authority.

Provisions and limitations same as those applicable to regional authority.

Area included in consolidated authority.

Change of area.

Certain words construed.

"The governing body of any such municipality for which a housing authority has not been created may adopt the above resolution if it first determines that there is a need for a housing authority to function in said municipality, which determination shall be made in the same manner and subject to the same

Determination of need for authority.

Method of determination.

conditions as the determination required by Section four of this Housing Authorities Law for the creation of a housing authority for a city: Provided, that after notice given by the clerk (or officer with similar duties) of the municipality, the governing body of the municipality may, without a petition therefor, hold a hearing to determine the need for a housing authority to function therein.

Hearing to determine need.

Powers, duties, etc., of consolidated housing authority.

"Except as otherwise provided herein, a consolidated housing authority and the commissioners thereof shall, within the area of operation of such consolidated housing authority, have the same functions, rights, powers, duties, privileges, immunities and limitations as those provided for housing authorities created for cities, counties, or groups of counties and the commissioners of such housing authorities, in the same manner as though all the provisions of law applicable to housing authorities created for cities, counties, or groups of counties were applicable to consolidated housing authorities.

Findings required for authority to operate in municipality.

"SEC. 45. Findings required for authority to operate in municipality. No governing body of a city or other municipality shall adopt a resolution as provided in Section forty declaring that there is a need for a housing authority (other than a housing authority established by such municipality) to exercise its powers within such municipality, unless a public hearing has first been held by such governing body and unless such governing body shall have found in substantially the following terms: (a) that insanitary or unsafe inhabited dwelling accommodations exist in such municipality or that there is a shortage of safe or sanitary dwelling accommodations in such municipality available to persons of low income at rentals they can afford; and (b) that these conditions can be best remedied through the exercise of the aforesaid housing authority's powers within the territorial boundaries of such municipality: Provided, that such findings shall not have the effect of thereafter preventing such municipality from establishing a housing authority or joining in the creation of a consolidated housing authority or the increase of the area of operation of a consolidated housing authority. The clerk (or the officer with similar duties) of the city or other municipality shall give notice of the public hearing and such hearing shall be held in the manner provided in Section four of this Housing Authorities Law for a public hearing by a council to determine the need for a housing authority in the city.

Public hearing.

Certain inadequate housing conditions in such municipality.

Conditions best remedied by exercise of such authority's powers therein.

Effect of findings.

Notice and manner of public hearing.

Limitation on operations in municipality where other authority has obligations outstanding for projects therein.

"During the time that, pursuant to these findings, a housing authority has outstanding (or is under contract to issue) any evidences of indebtedness for a project within the city or other municipality, no other housing authority may undertake a project within such municipality without the consent of said housing authority which has such outstanding indebtedness or obligation.

“SEC. 46. Meetings and residence of commissioners. Nothing contained in this Housing Authorities Law shall be construed to prevent meetings of the commissioners of a housing authority anywhere within the perimeter boundaries of the area of operation of the authority or within any additional area where the housing authority is authorized to undertake a housing project, nor to prevent the appointment of any person as a commissioner of the authority who resides within such boundaries or such additional area, and who is otherwise eligible for such appointment under this Housing Authorities Law.

Meetings and residence of Commissioners.

“SEC. 47. Agreement to sell as security for obligations to Federal Government. In any contract or amendatory or superseding contract for a loan and annual contributions heretofore or hereafter entered into between a housing authority and the Federal Government with respect to any housing project undertaken by said housing authority, any such housing authority is authorized to make such covenants (including covenants with holders of bonds issued by such authority for purposes of the project involved), and to confer upon the Federal Government such rights and remedies, as said housing authority deems necessary to assure the fulfillment of the purposes for which the project was undertaken. In any such contract, the housing authority may, notwithstanding any other provisions of law, agree to sell and convey the project (including all lands appertaining thereto) to which such contract relates to the Federal Government upon the occurrence of such conditions, or upon such defaults on bonds for which any of the annual contributions provided in said contract are pledged, as may be prescribed in such contract, and at a price (which may include the assumption by the Federal Government of the payment, when due, of the principal of and interest on outstanding bonds of the housing authority issued for purposes of the project involved) determined as prescribed therein and upon such other terms and conditions as are therein provided. Any such housing authority is hereby authorized to enter into such supplementary contracts, and to execute such conveyances, as may be necessary to carry out the provisions hereof. Notwithstanding any other provisions of law, any contracts or supplementary contracts or conveyances made or executed pursuant to the provisions of this paragraph shall not be or constitute a mortgage within the meaning or for the purposes of any of the laws of this State.”

Authorization to make covenants to assure fulfillment of purposes of project.

Agreements permitted in such contracts.

Supplementary contracts and conveyances.

Such contracts or conveyances not mortgages.

SEC. 6. That Section thirty-seven of Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is hereby amended by adding at the end of said section the following:

Sec. 37 amended.

“Except as otherwise provided in this Act, all the provisions of law applicable to housing authorities created for counties and the commissioners of such authorities shall be applicable to regional housing authorities and the commissioners thereof.”

Application of certain laws to regional housing authorities.

Sec. 4, Sec. 33,  
and Sec. 35,  
amended.

SEC. 7. That Chapter four hundred and fifty-six of said Public Laws, as amended, be and the same is hereby amended by striking out the seventh paragraph of Section four, and the sixth paragraph of Section thirty-three and of Section thirty-five, relating to the boundaries or area of operation of housing authorities.

Partial invalidity  
section.

SEC. 8. That if any provision of this Act, or the application of such provision to any persons or circumstances, shall be held invalid, the remainder of this Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Powers herein  
additional to  
other laws.

SEC. 9. That the powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law. Nothing contained in this Act shall affect the term of office of any commissioner of a housing authority heretofore appointed under the Housing Authorities Law. The enactment of this Act shall not be construed to render invalid any action or proceeding had or taken for the creation or establishment of a housing authority pursuant to laws in existence prior to the enactment of this Act.

Terms of cer-  
tain officers not  
affected.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 153

## CHAPTER 637

AN ACT TO AMEND SECTION SEVENTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, WHICH PROVIDES FOR THE SALE OF REALTY IF PERSONALTY IS INSUFFICIENT FOR DEBTS, SO AS TO AUTHORIZE THE CLERK OF THE SUPERIOR COURT TO PAY THE DOWER INTEREST IN CASH UNLESS THE WIDOW ELECTS TO RECEIVE THE INCOME THEREFROM.

*The General Assembly of North Carolina do enact:*

C. S. 74, vol. 3,  
relating to sales  
of realty if per-  
sonalty insuffi-  
cient for debts,  
amended.

SECTION 1. Section seventy-four of Volume three of the Consolidated Statutes of North Carolina, as amended by Chapter forty-three of the Public Laws of one thousand nine hundred and thirty-five and Chapter seventy of the Public Laws of one thousand nine hundred and thirty-seven, be, and the same hereby is, further amended by striking out the second sentence of the first paragraph and inserting in lieu thereof the following:

Person entitled  
to dower to be  
party to pro-  
ceeding to sell  
lands to pay  
debts.

“When there is dower or right of dower in the land petitioned to be sold as aforesaid, the person entitled thereto shall be made a party to said proceeding, and upon the consummation of sale

pursuant to decree of confirmation, the fiduciary shall, based on the completed age of the person so entitled on such day of consummation, compute the value of her annuity at six per cent (6%) on one third of the net sale price during her probable life or expectancy, and shall pay same to her absolutely out of the proceeds; or in lieu of such payment of the value of her annuity of six per cent (6%) on such one third of the net sale price, at her election, one third of the net proceeds shall be paid into the office of the clerk of the Superior Court and the income on said one third shall be paid to her annually: Provided, that nothing herein contained shall be construed to deprive the widow from claiming her dower right by metes and bounds in her husband's land: Provided, further, if the person entitled to said dower shall not claim the same by metes and bounds in her husband's lands, or elect to receive the income from one third of the net proceeds of said sale, within the time allowed by law for filing pleadings in such special proceeding, such person shall be presumed to have elected to receive said dower interest in cash as provided in this section.

Payment of cash value of dower.

Payment of income from one-third of net proceeds, at widow's election.

Widow not deprived from claiming dower by metes and bounds.

Presumption of election to receive dower interest in cash in certain instances.

"Where land is sold as provided in this section, and in lieu of paying cash therefor the purchaser executes a note or notes secured by a mortgage or deed of trust, and there are insufficient funds from said sale with which to pay the person entitled to dower her interest in full as provided in this section, said person all be entitled to the legal rate of interest on the unpaid balance of her dower interest until same is paid in full."

Interest rate on unpaid balance of dower interest.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 278

## CHAPTER 638

AN ACT TO AMEND SECTION SIX OF CHAPTER ONE HUNDRED AND THIRTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE APPOINTMENT OF THE DIRECTOR OF PROBATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter one hundred and thirty-two of the Public Laws of one thousand nine hundred and thirty-seven be amended by striking out the following portion of Paragraph two: "and shall receive a salary of not less than three thousand and six hundred (\$3,600.00) dollars,

Sec. 6, Ch. 132, Public Laws, 1937, amended with respect to salary of Director of Probation.

nor more than four thousand five hundred (\$4,500.00) dollars per annum," and inserting in lieu thereof the following: "and shall receive a salary to be fixed by the Governor and the Council of State."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 292

CHAPTER 639

AN ACT TO AMEND SECTION TWO THOUSAND SEVEN HUNDRED AND EIGHTY-SEVEN OF THE CONSOLIDATED STATUTES, AS AMENDED, CHAPTER FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, TO GRANT TO CITIES AND TOWNS THE POWER TO REGULATE AND CONTROL DRIVERS AND OPERATORS OF TAXICABS AND TO TAX VEHICLES USED AS TAXICABS.

*The General Assembly of North Carolina do enact:*

C. S. 2787, relative to powers of municipal corporations, amended.

SECTION 1. Section two thousand seven hundred and eighty-seven of the Consolidated Statutes, as amended, is hereby further amended by adding a new subsection to read as follows:

Requirement of driver's permit for taxicab operators.

"36 (a). To require that drivers and operators of taxicabs engaged in the business of transporting passengers for hire over the public streets of any city or town, make application to and receive from the governing board of any such city or town a driver's or operator's permit before operating or driving any such vehicle. The governing board may refuse to issue such permit to any person who has been convicted of: a felony; a violation of any Federal or State statute relating to the use, possession, or sale of intoxicating liquors; any Federal or State statute relating to prostitution; any Federal or State statute relating to the use, possession, or sale of narcotic drugs; or to any person who is not a citizen of the United States; or to any person who is a habitual user of intoxicating liquors or narcotic drugs; or to a person who has been a habitual violator of traffic laws or ordinances.

Refusal to issue permits to certain persons.

Revocation of permits.

"The governing body may revoke any such driver's or operator's permit if the person holding such permit is convicted of: a felony; or violation of any Federal or State statute relating

to the possession or sale of intoxicating liquors; or violation of any Federal or State statute relating to prostitution; or any Federal or State statute relating to the use, possession or sale of narcotic drugs; or repeated violations of traffic laws or ordinances; or becomes a habitual user of intoxicating liquors or narcotic drugs.

"The governing body may also require operators and drivers of taxicabs to prominently post and display in each taxicab, so as to be visible to the passengers therein, permit, rates and/or fares, fingerprints, photographs, and such other identification matter as deemed proper and advisable."

Display in taxicabs of rates, permit, etc.

SEC. 2. Section thirty-four of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the period at the end of the section and inserting in lieu thereof a colon, and by adding the following:

Sec. 34, Ch. 52, Public Laws, 1935, amended.

"Provided, however, that cities and towns shall have the power to license, regulate and control drivers and operators of taxicabs within the city or town limits and to regulate and control operators of taxicabs operating between the city or town to points, not incorporated, within a radius of five miles of said city or town."

Cities and towns permitted to license and regulate taxicab drivers.

SEC. 3. Paragraph (a) of Section sixty-one of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven is hereby amended by striking out the period at the end of the section and inserting in lieu thereof a colon, and by adding the following:

Sec. 61(a), Ch. 407, Public Laws, 1937, amended.

"Provided, however, that cities and towns may levy, in addition to the one dollar (\$1.00) per year, herein set forth, a sum not to exceed fifteen dollars (\$15.00) per year upon each vehicle operated in such city or town as a taxicab."

Additional levy on taxicabs by cities and towns.

SEC. 4. Paragraph (b) of Section sixty-one of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven is hereby amended by striking out the period at the end of the section and inserting in lieu thereof a comma, and by adding the following:

Sec. 61(b), Ch. 407, Public Laws, 1937, amended.

"except that cities and towns may levy a license tax not in excess of fifteen dollars (\$15.00) per year on each vehicle operated in such city as a taxicab as provided in Paragraph (a) hereof."

License tax on taxicabs by cities and towns.

SEC. 5. If any portion or part of this Act shall be deemed unconstitutional, such unconstitutionality shall not affect the remainder of this Act.

Partial invalidity section.

SEC. 6. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

## H. B. 308

## CHAPTER 640

AN ACT TO PLACE THE CONTROL OF HOG CHOLERA AND OTHER SWINE DISEASES IN THE DEPARTMENT OF AGRICULTURE, TO DEFINE CERTAIN DUTIES OF SAID DEPARTMENT AND TO REGULATE THE SALE, DISTRIBUTION AND USE OF HOG CHOLERA VIRUS AND SIMILAR PRODUCTS.

*The General Assembly of North Carolina do enact:*

Department of Agriculture authorized to purchase for resale serums, vaccines, etc., for control of animal diseases.  
Prices.

SECTION 1. That the North Carolina Department of Agriculture is authorized and empowered to purchase for resale serums, viruses, vaccines, biologics, and other products for the control of animal diseases. The resale of said serums, viruses, vaccines, biologics and other products shall be at a reasonable price to be determined by the Commissioner of Agriculture.

Reports of infectious disease in livestock to State Veterinarian.

SEC. 2. That all persons practicing veterinary medicine in North Carolina shall report promptly to the State Veterinarian the existence of any contagious or infectious disease in livestock.

Hog cholera, etc. declared menace.

SEC. 3. That hog cholera and other contagious and infectious diseases of livestock are hereby declared to be a menace to the livestock industry and all livestock infected with or exposed to a contagious or infectious disease shall be quarantined by the State Veterinarian or his authorized representative in accordance with regulations promulgated by the State Board of Agriculture. All livestock that are inoculated with a product containing a living virus or organism shall be quarantined by the person inoculating same at the time of inoculation in accordance with regulations promulgated by the State Board of Agriculture: Provided, nothing herein contained shall be construed as preventing anyone entitled to administer virus or serum vaccine under existing laws from continuing to administer same.

Quarantine of infected livestock.

Quarantine of certain inoculated livestock.

Livestock brought into State.

SEC. 4. That all livestock transported or otherwise brought into this State shall be in compliance with regulations promulgated by the State Board of Agriculture.

Appropriations for control of hog cholera, etc.

SEC. 5. That for the purpose of carrying out the provisions of this Act, the sum of twelve thousand and five hundred dollars (\$12,500.00) is hereby appropriated for the year one thousand nine hundred and forty-three—forty-four, and twelve thousand and five hundred dollars (\$12,500.00) for the year one thousand nine hundred and forty-four—forty-five, to come from the General Fund, which shall be in addition to any other funds appropriated for the control of hog cholera and other animal diseases.

Violations made misdemeanor.

SEC. 6. That any person, firm or corporation who shall violate any provisions set forth in this Act or any rule or regulation duly established by the State Board of Agriculture shall be

guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 7. That all laws and clauses of laws, whether contained in public or public-local Acts, only in so far as they conflict with the provisions of this Act, are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

H. B. 352

CHAPTER 641

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FOURTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE ISSUANCE OF MARRIAGE LICENSES TO PERSONS PREVIOUSLY ADJUDGED OF UNSOUND MIND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter three hundred and fourteen of the Public Laws of one thousand nine hundred and thirty-nine, as amended, be further amended by inserting after the word "mind," in line three of Section three thereof, and before the word "license," the following: "unless the applicant previously adjudged of unsound mind has been adjudged of sound mind by a court of competent jurisdiction, upon the recommendation of one or more practicing physicians who specialize in psychiatry."

Sec. 3, Ch. 314, Public Laws, 1939, relating to issuance of marriage licenses to persons previously adjudged of unsound mind, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 361

CHAPTER 642

AN ACT TO REGULATE AND FIX THE LIABILITY OF TOBACCO WAREHOUSEMEN FOR LIENS ON THE TOBACCO SOLD AT AUCTION ON WAREHOUSE FLOORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. No chattel mortgage, agricultural lien, or other lien of any nature upon leaf tobacco shall be effective for any purpose for a longer period than six months after the sale of such tobacco at a regular sale in an auction tobacco warehouse

Effective period for lien on leaf tobacco.

during the regular season for auction sales of tobacco in such warehouse. This section shall not absolve any person from prosecution and punishment for crime.

Ch. 12, C. S.,  
amended.

SEC. 2. That a new section be added between Sections four hundred and forty-four and four hundred and forty-five of the Consolidated Statutes of one thousand nine hundred and nineteen, to be designated as Section four hundred and forty-four and one half, as follows:

“444½. Six months. Within six months an action.

Limitation of  
action for cer-  
tain wrongful  
conversions or  
sales of leaf  
tobacco.

“1. For the wrongful conversion or sale of leaf tobacco in an auction tobacco warehouse during the regular season for auction sales of tobacco in such warehouse. This paragraph shall not apply to actions for the wrongful conversion or sale of leaf tobacco which was stolen from the lawful owner or possessor thereof.”

Pending litigation  
not affected.

SEC. 3. This Act shall not apply to pending litigation.

Act not ap-  
plicable to liens  
in existence on  
date of ratifica-  
tion.

SEC. 4. This Act shall be in full force and effect from and after its ratification, but it shall not apply to any chattel mortgage, agricultural lien, or other lien in existence on the date of ratification.

Ratified this the 8th day of March, 1943.

## H. B. 368

## CHAPTER 643

### AN ACT TO REIMBURSE LLOYD CHURCH OF AVERY COUNTY FOR MEDICAL AND HOSPITAL EXPENSES EXPENDED ON BEHALF OF HIS MINOR CHILD FOR INJURIES CAUSED BY SCHOOL BUS.

Preamble:  
Minor daughter  
of Lloyd Church  
injured by  
school bus.

WHEREAS, on the fifteenth day of December, one thousand nine hundred and forty-two, the ten year old daughter of Lloyd Church of Avery County received personal injuries in the form of a spiral fracture of right tibia, lower third, by being struck by a school bus owned by the State School Commission while she was standing on the side of the road waiting for said bus; and

Bus operated by  
regular driver in  
negligent  
manner.

WHEREAS, said bus was being operated by the regular bus driver employed by the State School Commission in a careless and reckless manner; and

Expenses for  
treatment of  
said child amount  
to \$125.00.

WHEREAS, it appears that hospital, medical and drug expenses have accrued for the treatment of said minor child in the sum of approximately one hundred and twenty-five dollars (\$125.00); and

Church unable  
to pay said  
expenses.

WHEREAS, the father of said child is financially unable to pay said expenses caused by no fault on his part; and

WHEREAS, there is no legal remedy available to said Lloyd Church against the State School Commission or the State of North Carolina to compel it to pay said expenses; and

No legal remedy at law.

WHEREAS, it is just and proper that said expenses be paid by said State School Commission: Now, therefore,

Proper that expenses be paid by School Commission.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized and empowered to investigate the claim of said Lloyd Church arising out of the injuries sustained by his minor child, Thelma Church; and upon production of satisfactory proof that the personal injuries sustained by said minor child occurred through the negligent operation of a school bus, and without contributory negligence on the part of said minor child, the said State School Commission is further authorized and empowered to pay the hospital, medical, drug and any and all other expenses incurred in connection with the injuries of said minor child not exceeding one hundred and twenty-five dollars (\$125.00).

Commission authorized to pay said expenses upon certain findings.

Not to exceed \$125.00.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 412

## CHAPTER 644

AN ACT TO REGULATE PRIVATELY OWNED CEMETERIES WHICH ARE OPERATED FOR PRIVATE GAIN OR PROFIT.

*The General Assembly of North Carolina do enact:*

SECTION 1. This Act shall apply only to public cemeteries which are privately owned and operated for private gain or profit or which may hereafter be established for such purpose, and which may advertise or offer perpetual care of grave space in connection therewith.

Cemeteries to which this Act applies.

SEC. 2. When consistent with the context of this Act and not obviously used in a different sense, the term "cemetery," "public cemetery," or "owner or owners" of such cemetery, as used in this Act, includes only such corporations, associations, partnerships, or individuals, as are engaged in the operation for private gain or profit of a public cemetery for the interment of the dead of the human race or the sale of grave space or interment rights therein, and who advertise or offer perpetual care of grave space in connection therewith. The words "Burial

Words and phrases defined as used herein.

Commissioner," "Burial Association Commissioner," or "Commissioner," used herein shall be deemed to refer to the Burial Association Commissioner of North Carolina, and the words "sale" or "conveyance," as used herein, unless obviously used in some other sense, shall be deemed to refer to and authorize any form of contract by means of which cemetery transfers or agrees to transfer to purchaser title to or exclusive right of interment in a grave space or family burial plot.

Reports by cemeteries to Burial Association Commissioner.

Time for filing.

Contents of reports.

SEC. 3. Every such public cemetery shall, on or before July first, one thousand nine hundred and forty-three, and on or before February first, one thousand nine hundred and forty-four, and on February first of each year thereafter, file or cause to be filed with the Burial Association Commissioner of North Carolina, in his office in Raleigh, on forms to be supplied by said commissioner, a report giving the name of the cemetery, name of all owners thereof, name of managing or directing head, including name of sales manager or agency handling sales, if any, and stating whether or not such cemetery offers, directly or indirectly, or advertises perpetual care of burial lots or spaces sold to the public, together with copy of all forms of agreements offered to prospective purchasers, and shall, with said first report, file a plat of such cemetery, showing, as of date of ratification of this Act, number and location of all lots actually surveyed and permanently staked, together with such other information as may be required under Section eight hereof, and as may be required by Burial Association Commissioner of North Carolina.

Information as to perpetual care fund to be reported.

SEC. 4. If such cemetery shall report that it advertises or claims to provide the perpetual care of lots or grave spaces included in its property, such report shall state the amount of its perpetual care fund as of date of above required report, manner of computing same, how and by whom controlled, description of securities in which fund is invested, and copies of all agreements entered into by the cemetery relating thereto.

Requirements for advertising of perpetual care fund.

SEC. 5. No such cemetery shall hereafter cause or permit advertising of perpetual care fund in connection with the sale or offer for sale of its property unless the amount deposited in said fund from all sales made subsequent to the passage of this Act shall be equal to not less than four dollars per grave space, sold, said sum to be deposited in perpetual care fund as provided in Section six hereof.

Trustee for perpetual care fund.

SEC. 6. The perpetual care fund of any cemetery licensed hereunder, as hereinafter authorized, shall immediately be turned over to a reliable trustee, to be approved by the North Carolina Burial Association Commissioner, under an irrevocable trust agreement for safekeeping and for investment only in such securities as may now or hereafter be approved for the investment by a domestic insurance company of its legal reserve.

Under irrevocable trust agreement.

Investments.

The trustee may, by permission of said Burial Association Commissioner, be changed from time to time, but the trust shall be irrevocable, and the form and substance of the agreement relating thereto shall be approved by the Burial Association Commissioner.

SEC. 7. Such cemetery shall set aside in its perpetual care fund not less than four dollars per grave space hereafter sold. The income only derived from the investment of such fund may be used to defray expense of development, upkeep and maintenance of such cemetery.

SEC. 8. If such cemetery shall offer for sale and sell its said lots or grave spaces under plan or agreement evidenced by certificate, (hereinafter referred to as "certificate plan"), which may involve the transfer of family burial plot or grave spaces, or exclusive right of interment therein, to families, individuals, or their representatives, conditioned upon the continuance or cessation of human life or upon limited pay plan or plans where death of certificate holder prior to payment of all sums due to be paid thereunder may terminate his or her liability for further payment, such cemetery shall set aside and reserve unencumbered and shall keep unencumbered lots or grave spaces suitable for burial in sufficient number to enable the cemetery to comply with the terms of each certificate issued, and shall set aside and deposit with the trustee of its perpetual care fund an additional one dollar per grave space sold, same to be known as "certificate indemnity fund" and continue the making of such deposit until from such sales the total deposits to credit of said fund shall amount to five thousand dollars, same to be held and invested separate and apart from the perpetual care fund of such cemetery, as a fund to indemnify lot and grave space purchasers against loss by reason of the cemetery's failure to reserve, unencumbered, the identical grave space(s) selected by purchaser, if selection has been made, and if not, a sufficient number of grave spaces suitable for burial to enable the cemetery to comply with the terms of its certificate, such fund to be calculated, become due, be deposited and invested, and the cemetery to become liable therefor, only in like manner as for such cemetery's perpetual care fund, and shall be maintained and kept separate so long as there is outstanding any liability of cemetery to reserve grave space under a certificate issued on the above plan, but income therefrom shall be paid to cemetery for such use as income from its perpetual care fund may be used. When such liability no longer exists, said fund shall become a part of the perpetual care fund of such cemetery. Any certificate holder sustaining any loss due to failure of the cemetery to comply with all of the provisions of this section shall have a right of action therefor against said cemetery and upon obtaining a final judgment, such certificate holder shall be entitled to an order directing

Change of trustee.

Amount to be set aside in perpetual care fund.

Use of income.

Sale of lots under "certificate plan."

Unencumbered lots to be reserved to comply with certificates issued.

"Certificate indemnity fund."

Amount and investment of fund.

Purpose of fund.

Management of "Certificate indemnity fund."

Rights of certificate holder sustaining loss.

Deposits in perpetual care fund per grave space reserved or sold.

Amounts cemetery required to pay into said fund annually.

Use of income from such fund.

Reports of such fund.

Contents of report.

Time for making.

Cemeteries to be licensed upon compliance with this Act.

Cemetery failing to qualify to operate under certificate plan not to issue contracts thereunder.

No public cemetery for private gain to be established without being licensed hereunder.

said trustee to pay the amount of said judgment. Every cemetery licensed under this Act shall set aside for and deposit in its perpetual care fund not less than four dollars per grave space agreed by cemetery to be reserved under certificate, or sold by cemetery under any other form of contract: Provided, purchaser is not in default in the payment of any premium or installment becoming due under such certificate or contract, such amount to become due to and be deposited in said fund as such payments are received by the cemetery: Provided, the total amount which said cemetery shall be required to pay into said fund annually shall be only such sum as may be equal to total amount of perpetual care deposit to become due under certificate or contract, divided by the number of years accorded purchaser thereunder to qualify to receive conveyance agreed by cemetery to be made under such certificate or contract, or, if sale has been made under certificate providing for payment of premiums for life, division shall be by life expectancy of certificate holder, computed under American Men Table of Mortality: Provided, further, if purchaser shall pay off or otherwise discharge his or her obligations, as evidenced by certificate or contract, in advance of due date, the deposit of perpetual care shall be ratably increased. Perpetual care earned or deposited under contracts which are in default at time report to Burial Association Commissioner is required to be made hereunder, shall be deducted and shall not be considered in arriving at above total. The income only resulting from the investment of such fund may be used in the sole discretion of the cemetery for the purpose of defraying expense of developing and maintaining the cemetery. Detailed report of amount due to be deposited in such fund, showing the amount actually deposited therein, listed securities in which same is invested, and giving such other details as shall be required by the Burial Association Commissioner, shall be made to said commissioner annually on the first day of February in each and every year, and more frequently if said commissioner, in his discretion, so requires. Upon compliance with the terms of this Act, including the provisions contained in this section, such cemetery shall be licensed by Burial Association Commissioner and may issue its contracts of sale of grave space or interment rights therein on the certificate plan and on any other plan not prohibited by law. A cemetery complying with all provisions of this Act, excepting only those provisions authorizing the cemetery to operate under the certificate plan, shall be entitled to be licensed hereunder, but any cemetery failing to qualify to so operate shall not be entitled to issue or enter into a contract under such plan.

SEC. 9. No corporation, association, partnership, or individual, shall, after the ratification of this Act, be permitted to establish a public cemetery for private gain or profit without obtaining a license therefor, as provided in this Act, and without providing

for the perpetual care of such cemetery in accordance with the terms of this Act, including the setting aside of an initial perpetual care fund of not less than five thousand dollars, same to be in addition to the four dollars per grave space required by this Act, to be deposited in such fund. Said perpetual care fund and all additions thereto shall be held and invested as required under Section six hereof.

Provision for perpetual care requisite for establishment.  
Initial amount of fund.

SEC. 10. When the amount deposited in the perpetual care fund of such cemetery shall amount to one hundred thousand dollars, anything in this Act to the contrary notwithstanding, the amount to be deposited in said fund thereafter shall be equal to not less than two dollars per grave space, instead of four dollars, said sum to be deposited in the perpetual care fund as provided in Section six hereof.

Deposits in perpetual care fund when fund amounts to \$100,000.00.

SEC. 11. Where such cemetery shall sell its lots for not exceeding thirteen dollars or less than eight dollars per grave space, as to such grave space so sold the amount to be deposited in the perpetual care fund shall be three dollars per grave space; if such lots shall be sold for not exceeding eight dollars per grave space, the amount deposited in the perpetual care fund shall be two dollars per grave space.

Amount of deposits for perpetual care fund in certain instances.

SEC. 12. In event of the voluntary purchase by any city or town of a cemetery providing perpetual care of lots under this Act, it shall be lawful for the cemetery to provide in its agreement with purchasers that in event of the voluntary purchase by such municipality of such cemetery property, such cemetery may retain for its own any amount accumulated in such perpetual care fund on sale of lots made subsequent to the ratification of this Act: Provided, such municipality purchasing and accepting a conveyance of said cemetery property shall, as part consideration for making by such cemetery of said conveyance, assume in writing all obligations of such cemetery in connection with the maintenance thereof.

Agreements as to cemetery retaining fund where cemetery property sold to municipality.

SEC. 13. This Act shall be administered by the Burial Association Commissioner of North Carolina, who shall make periodic examination of affairs of such cemeteries to ascertain whether they are in fact complying with the terms hereof. Examinations shall be made not less frequently than once a year and more frequently if by him deemed necessary.

Assumption by municipality of obligations of cemetery for maintenance.

Burial Association Commissioner to administer Act.

Examinations.

SEC. 14. Any such cemetery owner or manager who fails to comply with any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefor shall be fined two hundred dollars, or imprisoned for not exceeding thirty days.

Violation of Act made misdemeanor.

Punishment.

SEC. 15. All persons offering to sell grave space under any plan herein authorized shall be licensed by said commissioner without payment of any license fee, and such license, for good cause shown, may, in the discretion of the commissioner, be revoked.

Licenses for persons selling grave space.

Revocation.

Certain powers delegated to cemetery manager.

SEC. 16. The superintendent, manager, and assistant superintendent of such cemetery shall have all the powers of a deputy sheriff of the county in which such cemetery is located to enforce the law, maintain order, abate nuisances, and prevent vandalism in such cemetery.

Prosecution of violations.

SEC. 17. It shall be the duty of the Burial Commissioner to prosecute or cause to be prosecuted all violations of this Act, and upon the conviction of the owner or manager of a public cemetery of such violation, and upon failure of such owner or manager to correct such violation within thirty days thereafter, then, in addition to such other penalties as may result from such conviction, the Burial Commissioner may, in his discretion, revoke the license of such cemetery. Said commissioner may, in his discretion, upon application by such cemetery, thereafter restore to it its license if such cemetery corrects the violation of this Act, on account of which its owner or manager was convicted, as well as any other violations thereof known to the commissioner. This Act shall be written into and become a part, where applicable, of all contracts and certificates issued hereunder.

Revocation of licenses of cemetery.

Restoration of license.

Act part of contracts.

Partial invalidity provision.

SEC. 18. The unconstitutionality of any part of this Act shall not affect the remaining parts thereof, and same shall not be subject to any other laws respecting insurance companies of any class, nor shall same be subject to the laws affecting the sale of securities or laws affecting Mutual Burial or Assessment Insurance Associations, excepting only as this Act, or amendments hereof, shall expressly provide. All laws in conflict herewith are hereby repealed.

Effect of certain other laws.

Conflicting laws repealed.

Act not to apply to certain counties.

SEC. 19. This Act, anything to the contrary notwithstanding, shall not apply to any county, which, according to the last United States Census, had a population of less than twenty-five thousand, nor shall it apply to any existing cemetery which does not advertise or charge for perpetual care of lots offered for sale to the public. Such existing cemetery shall have the right to advertise and provide perpetual care of its lots and to be licensed hereunder upon depositing in a perpetual care fund the amount per grave space applicable under the terms hereof.

Or to certain cemeteries.

Act not applicable to Buncombe County.

SEC. 20. The provisions of this Act shall not apply to Buncombe County.

SEC. 21. This Act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 438

## CHAPTER 645

## AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANSON COUNTY TO APPOINT RURAL POLICEMEN AND FIX THEIR SALARIES, AND TO PROVIDE FOR THE COLLECTION OF DELINQUENT TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Anson County is hereby authorized to employ a rural policeman for each of the four county commissioner districts in Anson County, to prescribe their qualifications and duties, and to establish headquarters for such policemen in each district. Such policemen shall have the authority and duty to execute all processes and notices of whatever nature directed to them by any authority competent to issue such process or notice, and shall have the same authority to make arrests and execute criminal processes as is by law vested in the sheriff. The power of each such policeman shall extend to the whole county. Such policemen shall serve at the will of the Board of Commissioners of Anson County, and shall work under its supervision and be responsible to it. Upon the resignation or removal of any such policeman, the board of commissioners shall have the power to appoint his successor. The policeman appointed shall, in lieu of all other compensation, be paid a salary to be determined by the board of commissioners, but shall be allowed, in addition thereto, necessary traveling expenses. All fees collected by the rural policemen shall revert to the fund provided by law, but if there is no such fund, then the fees collected shall revert to the general fund of Anson County.

Appointment of rural policemen for Anson County.

Powers and duties.

Term.

Compensation.

Disposition of fees collected.

SEC. 2. The Board of Commissioners of Anson County is hereby authorized either to assign duties of collecting delinquent taxes to the rural policemen or to appoint delinquent tax collectors, as may to them seem necessary, to collect all delinquent taxes. The bond for such rural policemen or tax collectors, and the compensation of the tax collectors shall be determined by the board of commissioners.

Collection of delinquent taxes in Anson County.

SEC. 2½. That the Board of County Commissioners of Anson County is hereby authorized and empowered to levy a tax of five cents (5¢) on the one hundred dollars (\$100.00) valuation of property for the purpose of paying the salaries and expenses of the officers appointed by this Act.

Tax authorized to pay salaries of officers appointed herein.

SEC. 3. This Act shall apply only to Anson County.

Application of Act.

SEC. 4. All laws, Public, Public-Local, or Private, and clauses of such laws, in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 442

## CHAPTER 646

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND FORTY-ONE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO SPECIAL LEVIES IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 441, Public Laws, 1931, relating to special levies in certain counties, amended to apply to Sampson County.

SECTION 1. That Section one of Chapter four hundred and forty-one, Public Laws of one thousand nine hundred and thirty-one, be and the same is hereby amended by adding after the word "Rutherford" and before the word "Swain" in line five of said section the word "Sampson."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 478

## CHAPTER 647

AN ACT TO CORRECT THE CALLS OF STATE GRANT NUMBER EIGHTEEN THOUSAND EIGHT HUNDRED AND FIFTY-TWO, FOR LAND IN DARE COUNTY, ISSUED TO ALETHIA M. MIDGETT.

*The General Assembly of North Carolina do enact:*

Correction in calls of State grant number 18,852 of land in Dare County to Alethia M. Midgett.

SECTION 1. The calls of State grant number eighteen thousand eight hundred and fifty-two of land in Dare County issued on August sixth, one thousand nine hundred and twenty-four, to Alethia M. Midgett and recorded in the office of the Secretary of State in Book one hundred and ninety-eight, Page twelve, are corrected so as to read as follows:

"Beginning at a piling on the shore at the South line of J. E. Midgett, Sr., on Doe's Creek, running North seventy-seven degrees (77°) East to a piling one (1) chain thirty-three (33) links; thence South eleven degrees (11°) East to a piling forty-three links; thence South seventy-seven degrees (77°) West to a piling one (1) chain thirty-three (33) links; thence North eleven degrees (11) West forty-three (43) links to the beginning."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed: Provided, nothing herein contained shall affect pending litigation.

Pending litigation not affected.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 490

CHAPTER 648

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, RELATING TO THE REGISTRATION OF MOTOR VEHICLES AND THE PAYMENT OF FEES THEREFOR, ET CETERA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, as amended, is hereby further amended as follows:

Ch. 407, Public Laws, 1937, amended.

Subsection (a) By adding the following new Subsection (f) to Section forty-nine (49):

Sec. 49 amended.

“(f) Each duplicate registration card—25¢.”

Fee for duplicate registration cards.

Subsection (b) By striking out Subsection (a) Section fifty-one (51) and inserting in lieu thereof the following:

Sec. 51(a) rewritten.

“Franchise bus carriers. Franchise bus carriers shall pay an annual license tax of ninety cents per hundred pounds weight of each vehicle unit, and in addition thereto six per cent of the gross revenue derived from such operation: Provided, said additional six per cent shall not be collectible unless and until and only to the extent that such amount exceeds the license tax of ninety cents per hundred pounds. Provided, further, that franchise bus carriers operating from a point or points in this State to another point or other points in this State shall be liable for a tax of six per cent on the gross revenue earned in such intrastate hauls. Franchise bus carriers operating between a point or points within this State and a point or points without this State shall be liable for a six per cent tax only on that proportion of the gross revenue earned between terminals in this State and terminals outside this State that the mileage in North Carolina bears to the total mileage between the respective terminals. Franchise bus carriers operating through this State from a point or points outside this State to a point or points outside this State shall be liable for a six per cent tax on that proportion of the gross revenue earned between such terminals at the mileage in North Carolina bears to the total mileage between the respective terminals. In no event shall the tax paid by such franchise bus carriers be less than ninety cents per hundred pounds weight for each vehicle. The tax prescribed in this subsection is levied as compensation for the use of the highways of this State and for the special privileges extended such franchise bus carriers by this State.”

Franchise bus carriers.

Rate of tax.

Tax on gross revenue additional.

Additional tax not collectible unless amount exceeds license tax.

Intrastate traffic.

Computation of tax on interstate traffic.

Minimum tax.

Compensation tax.

Subsection (c) By adding at the end of Section fifty-two (52), Subsection (a), the following:

Sec. 52(a), relative to determination of weight of property hauling vehicles, amended.

"The gross weight of a single unit equipped with three or more axles may be computed for license fee at a rate not in excess of the rate on trucks and semi-trailers of the same gross weight."

Sec. 52 (e)  
rewritten.

Further amend Section fifty-two (52) by striking out all of Subsection (e) and inserting in lieu thereof the following:

Franchise  
haulers.

License tax.

Tax on gross  
revenue addi-  
tional.

Reduction of  
deposit as to  
certain interstate  
haulers.

Additional tax  
not collected un-  
less amount ex-  
ceeds license tax.

Intrastate traffic.

Computation of  
tax on interstate  
traffic.

Minimum tax.

Exception.

Compensation  
tax.

Sec. 15 amended.

"Franchise haulers. Franchise haulers shall pay an annual license tax as per the above schedule of rates for each vehicle unit and in addition thereto six per cent of the gross revenue derived from such operations: Except on vehicles licensed for interstate routes and used exclusively for interstate business where more than fifty per cent of the designated route lies outside of the State of North Carolina, the required deposit may be reduced by the commissioner to fifty per cent of the above schedule of rates as to deposit only: Provided, said additional six per cent shall not be collectible unless and until and only to the extent that such amount exceeds the license tax or deposit per the above schedule. Provided, further, franchise haulers operation from a point or points in this State to another point or points in this State shall be liable for a tax of six per cent on the gross revenue earned in such intrastate hauls. Franchise haulers operating between a point or points within this State and a point or points without this State shall be liable for a six per cent tax only on that proportion of the gross revenue earned between terminals in this State and terminals outside this State that the mileage in North Carolina bears to the total mileage between the respective terminals. Franchise haulers operating through this State from a point or points outside this State to a point or points outside this State shall be liable for a six per cent tax on that proportion of the gross revenue earned between such terminals as the mileage in North Carolina bears to the total mileage between the respective terminals. In no event shall the tax paid by such franchise haulers be less than the license tax or deposit shown on the above schedule, except where a franchise is hereafter issued by the Utilities Commission for service over a route within the State which is not now served by any franchise hauler the six per cent gross revenue tax may be reduced to four per cent for the first two years only. The tax prescribed in this subsection is levied as compensation for the use of the highways of this State and for the special privileges extended such franchise haulers by this State."

Subsection (d) Amend Section fifteen by striking out all the language of the section beginning with the word "Provided" after the words "of this Act" in line nine, and substitute in lieu thereof the following:

Certificates of  
title not re-  
quired for cer-  
tain trailers.

"Provided that nothing herein contained shall require the application for or the issuance of a certificate of title for a

trailer having not more than two wheels with a gross weight of vehicle and load of twenty-five hundred (2500) pounds or less, and towed by a passenger car but before operating a trailer as described above upon the highways of the State, the owner thereof must obtain the registration thereof and pay the registration fees as now provided by Article VII of this Act."

Registration required.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect on and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

H. B. 491

CHAPTER 649

AN ACT TO AMEND CHAPTER FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, THE SAME BEING THE UNIFORM DRIVERS' LICENSE ACT, SO AS TO DISPENSE WITH THE NECESSITY OF A CHAUFFEUR'S BADGE DUE TO WAR RESTRICTIONS ON METAL.

WHEREAS, the Uniform Drivers' License Act required that duly licensed chauffeurs shall apply for and receive from the Department of Motor Vehicles a chauffeur's badge, and display the same upon their persons while operating motor vehicles as public or common carriers of persons or property; and

Preamble: Requirements as to chauffeur's badge and display of same.

WHEREAS, due to war restrictions on metal, it is impossible for the Department of Motor Vehicles to continue to procure said badges and issue them to chauffeurs: Now, therefore,

Impossible to procure badges due to war restrictions.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out Subsection (f) thereof and by changing the present Subsection (g) to Subsection (f).

Sec. 2(f), Ch. 52, Public Laws, 1935, requiring badge for chauffeur operating motor vehicle as public or common carrier, repealed.

SEC. 2. That Section nine of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the words "or badge" where the same appear in lines one and six.

Sec. 9, amended.

SEC. 3. That Section ten of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out in Subsection (b) the words "together with chauffeur's badge, if any."

Sec. 10(b) amended.

SEC. 4. That Section fourteen of Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five is hereby amended by striking out the words "and the badge of any

Sec. 14 amended.

chauffeur whose license is suspended or revoked" in lines two and three thereof and by striking out the words "and any chauffeur's badge" in lines five and six thereof.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 8th day of March, 1943.

H. B. 499

### CHAPTER 650

AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO EVIDENCE IN CIVIL ACTIONS ARISING OUT OF MOTOR VEHICLE ACCIDENTS, SO AS TO SUBSTITUTE "COMMISSIONER OF MOTOR VEHICLES" FOR "COMMISSIONER OF REVENUE."

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 88, Public Laws, 1931, relating to evidence in civil actions arising out of motor vehicle accidents, amended.

SECTION 1. Section one of Chapter eighty-eight of the Public Laws of one thousand nine hundred and thirty-one is hereby amended by striking out the words "Commissioner of Revenue" in line five and in line seven, and inserting in each place in lieu thereof the words "Commissioner of Motor Vehicles."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 501

### CHAPTER 651

AN ACT TO AMEND THE CHARTER TO EXTEND THE CORPORATE LIMITS OF THE CITY OF NEW BERN.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 82, Private Laws, Ch. 30, Private Laws, 1899, rewritten.

SECTION 1. That Section two of Chapter eighty-two of the Private Laws of the State of North Carolina, Chapter thirty of the Private Laws of one thousand eight hundred and ninety-nine, and any amendments thereto, the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 2. That the corporate limits of the City of New Bern shall be as follows: Beginning opposite to Union Point where the channel of Trent River joins the channel of Neuse River, and runs from thence up and with the channel of Trent River to the mouth of Lawson's Creek; thence up and with the various courses of the center of Lawson's Creek to where the same will be intersected by an extension Southwardly of the Western line of Rhem Street in the Waters West End Subdivision, a map of which said subdivision appears of record in the Registry of Craven County in Book one hundred and twenty-eight at Page two hundred and sixty-four, to which reference is herewith made; thence Northwardly with the said extension of the Western line of said Rhem Street to the Northern line of Pembroke Road; thence with the Western line of said Rhem Street, Northwardly, to its intersection with the Southern right of way line of the Atlantic Coast Line Railroad; thence, Westwardly with the said Southern right of way line of said Atlantic Coast Line Railroad to where the same will be intersected by an extension of the Westernmost line of the subdivision known as Trent Park, a map of which appears of record in the Registry of Craven County in Map Book one, Page ninety-two, to which said map reference is herewith made; thence to and with said Western line of Trent Park Subdivision, Northwestwardly to the Northern line of Center Street in said subdivision; thence Eastwardly with the North line of said Center Street to the Northwestern intersection of said street with Simmons Street; thence Northwardly with the Western line of said Simmons Street to the Northern line of said Trent Park Subdivision; thence with the Northern line of said Trent Park Subdivision, South eighty-four degrees nineteen minutes East to a stone, a corner of said subdivision; thence North sixty degrees thirty minutes East three hundred and eleven and two tenths feet to another corner of said Trent Park Subdivision, an iron marker in the center of a canal; thence Eastwardly, down and with the various courses of the center of said canal to the Southwestern corner of Lot Number sixty-eight, according to a map made by B. M. Potter, civil engineer, dated January, one thousand nine hundred and forty-two, of a subdivision known as Miller's Addition to deGraffenried Park, a copy of which said map is of record in the Registry of Craven County in Map Book Number one at Page two hundred and twenty-four to which reference is herewith made; thence with the line of subdivision North fifteen degrees forty-five minutes East three hundred and forty-six feet to a corner thereof; thence with the line of said subdivision, South seventy-four degrees fifteen minutes East two hundred and twenty-five feet to a corner thereof; thence with the line of said subdivision, North fifteen degrees forty-five minutes East one hundred and ninety-nine feet to a corner of said subdivision; thence with a line of said subdivision North thirty-nine degrees East eight hundred

Corporate limits  
of City of  
New Bern.

and thirty-four feet to the Southern line of Neuse Road; thence with the Southern line of Neuse Road, Southeastwardly to the intersection with the Western line of Chattawka Lane, according to the map of the subdivision known as deGraffenried Park, a map of which appears of record in the Registry of Craven County in Map Book Number one at Page ninety-one, to which said map reference is herewith made; thence with the Western line of said Chattawka Lane, Southwardly to the center of Trent Road; thence with the various courses of the center line of Trent Road, Eastwardly to a point which is South three degrees five minutes East from the Southeasternmost corner of said deGraffenried Park Subdivision; thence to and with the Eastern line of said subdivision, North three degrees five minutes West approximately two hundred and forty feet to a corner of said subdivision; thence with the Eastern line of said subdivision, North eight degrees thirty-eight minutes East four hundred and forty-eight and three tenths feet to another corner of said subdivision; thence continuing with the Eastern line of said subdivision, North six degrees thirty-six minutes East three hundred and eleven and seventy-five one hundredths feet to the center of Neuse Road, another corner of said subdivision; thence Eastwardly to the Southeastern corner of Lot Number one, Block nine of said deGraffenried Subdivision, an iron marker in the Northern line of Neuse Road; thence with the Eastern line of said Lot Number one, Northwardly to the Northeastern corner of said deGraffenried Subdivision; thence with the Northern line of said subdivision, Westwardly and parallel to Neuse Road, to the Northwestern corner of said subdivision in the Western line of Chattawka Lane; thence with the Western line of Chattawka Lane, Southwardly to the Northern line of Neuse Road; thence with the Northern line of Neuse Road Northwestwardly to a point from which a line running at right angles to Neuse Road Northeastwardly will intersect the Northwestern corner of a subdivision known as Larksville, a map of which appears of record in the Registry of Craven County in Book one hundred and fifty-three at Page three hundred, to which said map reference is herewith made; thence with the said line and at right angles to Neuse Road, Northeastwardly to the said Northwestern corner of the said Larksville Subdivision; thence with the Northern line of the said subdivision, Eastwardly to the center of a canal in the East prong of Jack Smith's Creek; thence down and with the various courses of the center of the said creek to its mouth in the main Jack Smith's Creek; thence down and with the various of the center of the main Jack Smith's Creek to the mouth of the same on the channel of Neuse River; thence with the various courses of the channel of Neuse River, Southwardly to the beginning."

Prior legislation affecting corporate limits amended hereby.

SEC. 2. That from and after the ratification of this Act the corporate limits of the City of New Bern, North Carolina, shall be as described in Section one of this Act, and that all prior

legislation affecting such corporate limits shall be and is hereby amended in such manner as to conform with the description of Section one of this Act.

SEC. 3. That all the territory embraced within the boundaries hereinbefore set out which was not formerly a part of the City of New Bern shall be subject to all the provisions of law as contained in Chapter thirty of the Private Laws of one thousand eight hundred and ninety-nine, and such amendments as have been made to the same, and shall also be subject to all rules, regulations and ordinances passed by the Board of Alderman of the City of New Bern or which may be hereafter passed by the board of aldermen for said city.

Certain laws and ordinances applicable to added territory.

SEC. 4. That no ad valorem tax shall be levied against any of the property or property holders or residents within that part of the territory above described which was not formerly included in the corporate limits of the City of New Bern for the year one thousand nine hundred and forty-three.

No 1943 ad valorem tax in added area.

SEC. 5. That the tract of land adjoining the City of New Bern known as deGraffenried Park, a map of which is recorded in Map Book one, Page ninety-one, upon which the City of New Bern entered into a contract with Daniel Allen dated eighth day of January, one thousand nine hundred and twenty-five, that said tract of land should become within the corporate boundary of said city at such time that the taxes levied and collected would be sufficient to raise enough revenue therefrom to pay the interest on and provide a sinking fund for the payment of the purchase money for such improvements and that said contract is now held by Craven County and others, and the City of New Bern shall, by suitable resolution, include said subdivision in the boundaries of the City of New Bern when said contract is adjusted with its present owners and upon resolution of the Board of Aldermen of the City of New Bern.

Provision for inclusion of deGraffenried Park.

SEC. 5 (a). At the time of holding the primary for the nomination of Mayor and other officers of the City of New Bern in the year one thousand nine hundred and forty-three, the question of the adoption of this amendment to the Charter of the City of New Bern shall be submitted to the qualified voters of said city, and the qualified voters residing in the proposed extended area. The said election shall be held under the laws governing the holding of primary elections and elections for the City of New Bern. At said election all of those who are in favor of the adoption of the amendment shall vote a ballot upon which shall be printed or written the words "For Extension of City Limits," and those who are opposed shall vote a ballot upon which shall be printed or written the words "Against Extension of City Limits." If in said election a majority of the votes cast shall be "For Extension of City Limits," the said amendment shall be adopted and become a part of the Charter

Extension amendment to be submitted to qualified voters.

Conduct of election.

Form of ballots.

Time amendment effective, if adopted.

of the City of New Bern, but if a majority of the votes shall be "Against Extension of City Limits," said amendment shall not become a part of the Charter of the City of New Bern. If said amendment shall be adopted as herein provided for, then and in that event, it shall go into effect at the time of the qualification of the mayor and aldermen who shall be elected at the election held in one thousand nine hundred and forty-three.

Partial invalidity section.

SEC. 5 (b). If any clause, sentence, paragraph, subsection, section, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part thereof directly involved in such judgment. No caption of any section or sections shall in any way affect the validity of this Act or any part thereof.

SEC. 6. That this Act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 505

## CHAPTER 652

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, WHICH AMENDED CHAPTER THREE HUNDRED AND TWENTY-FOUR OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, KNOWN AS THE NORTH CAROLINA FERTILIZER LAW OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, AS AMENDED.

*The General Assembly of North Carolina do enact:*

Sec. 4, Ch. 368, Public Laws, 1941, amended.

SECTION 1. That Section four of Chapter three hundred and sixty-eight of the Public Laws of one thousand nine hundred and forty-one be amended by striking out the semicolon following the word "five" in line twenty-two of said section and inserting in lieu thereof a colon, and by adding the following: "Provided, this guarantee shall not be required in the case of nitrogen-potash top dressers."

Sec. 21, rewritten.

SEC. 2. That Section twenty-one of Chapter three hundred and sixty-eight of the Public Laws of one thousand nine hundred and forty-one be amended to read as follows:

Adoption of grades of mixed fertilizers.

"The Board of Agriculture, by and with the agreement of the Director of the North Carolina Experiment Station, is empowered to adopt from time to time grades of mixed fertilizers which

shall be sold in this State and to issue such rules and regulations and to set such standards as may be necessary for the enforcement of this Act. The grades so adopted shall not be less than twenty-two nor more than thirty-five in number: Provided, that in case the United States Government Regulations restrict the number of grades outside these limits, the number of grades shall be that provided in such regulations."

Adoption of regulations, standards, etc.

SEC. 3. That Section twenty-three of Chapter three hundred and sixty-eight of the Public Laws of one thousand nine hundred and forty-one be amended by striking out the word "not" appearing in line seven of Subsection (d) between the word "weight" and the word "due."

Sec. 23 (d) amended.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 551

CHAPTER 653

AN ACT ADOPTING A STANDARD FORM OF AGRICULTURAL LIEN AND CHATTEL MORTGAGE, CHATTEL MORTGAGE, AND TITLE NOTE, AND FIXING THE FEES FOR RECORDING SAME IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. Standard form of agricultural lien and chattel mortgage for Johnston County shall be in the following form:

Standard form of agricultural lien and chattel mortgage for Johnston County.

NORTH CAROLINA, JOHNSTON COUNTY.

WHEREAS, \_\_\_\_\_, has agreed to make advances to \_\_\_\_\_ for the purpose of enabling me, or us, to make a crop during the year 194\_\_\_\_, not to exceed \_\_\_\_\_ dollars; and

WHEREAS, I, or we, am/are indebted to said \_\_\_\_\_ in the further sum of \_\_\_\_\_ dollars, now due;

Now therefore, in order to secure the payment of the same, I, or we, do hereby convey to said \_\_\_\_\_ a lien on all crops of every kind raised or caused to be raised by me, or us, during the year 194\_\_\_\_, on the following land in \_\_\_\_\_ Township, Johnston County, North Carolina, adjoining the lands of \_\_\_\_\_, said crops to consist of not less than \_\_\_\_\_ acres tobacco; \_\_\_\_\_ acres cotton; and \_\_\_\_\_ acres corn; and \_\_\_\_\_, and also the following personal property, to-wit: All of which is my, or our, own free and clear from encumbrances, except \_\_\_\_\_.

And, if by the \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_, I, or we, fail to pay said debt and interest, then the said \_\_\_\_\_ may sell said property, or so much thereof as may be necessary to satisfy said debt and interest, by public auction, for cash, first giving ten days notice by posting a notice at the courthouse door and three other public places, and apply the proceeds, less expenses of sale, to the discharge of said debt and interest on the same, and pay the surplus, if any, to me, or us.

Given under my, or our, hands and seals, this the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_ .

Witness: \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_ (SEAL)

\_\_\_\_\_, owner of the lands described in the foregoing instrument in consideration of the advances to be made, as therein provided, do hereby agree to waive and release my lien as landlord upon said crops to the extent of said advancements made thereunder.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_ .

Witness: \_\_\_\_\_ (SEAL)

NORTH CAROLINA, JOHNSTON COUNTY.

The execution of the foregoing instrument was this day acknowledged before me by \_\_\_\_\_, the grantor, for the purposes therein expressed. Let the same, with this certificate, be registered.

Witness my hand and \_\_\_\_\_ seal, this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_ .

My commission expires: \_\_\_\_\_

NORTH CAROLINA, JOHNSTON COUNTY.

The execution of the foregoing instrument was this day proven before me by the oath and examination of \_\_\_\_\_ the subscribing witness thereto. Let the same, with this certificate be registered.

Witness my hand and \_\_\_\_\_ seal, this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_ .

My commission expires: \_\_\_\_\_

NORTH CAROLINA, JOHNSTON COUNTY.

The foregoing certificate of \_\_\_\_\_ a \_\_\_\_\_ of Johnston County, is adjudged to be correct. Let the instrument, with the certificate be registered.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_ .

\_\_\_\_\_  
 Clerk Superior Court

SEC. 2. Standard form of title note for Johnston County shall be in the following form:

Standard form of title note.

\$ \_\_\_\_\_ N. C., \_\_\_\_\_ 19 .

On the \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, for value received, with interest from date at six per cent (6%) per annum, I, or we, promise to pay \_\_\_\_\_ or order \_\_\_\_\_ dollars, for \_\_\_\_\_ which stands security for this note, and remains his, or their, property until paid for. And as further security for said indebtedness, I, or we, hereby sell and convey to \_\_\_\_\_ the following property, to-wit: \_\_\_\_\_

\_\_\_\_\_ with full power to foreclose this lien as provided by law for sales under chattel mortgages.

Address \_\_\_\_\_  
 County \_\_\_\_\_ (SEAL)  
 Witness \_\_\_\_\_ (SEAL)

NORTH CAROLINA, JOHNSTON COUNTY.

The due execution of the foregoing lien note was this day \_\_\_\_\_ before me by \_\_\_\_\_ the grantor therein named \_\_\_\_\_ the oath and examination of \_\_\_\_\_ the subscribing witness thereto. Let it be registered.

Witness my hand and \_\_\_\_\_ seal, this \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
 My commission expires: \_\_\_\_\_

NORTH CAROLINA, JOHNSTON COUNTY.

The foregoing certificate of \_\_\_\_\_ a \_\_\_\_\_ of \_\_\_\_\_ County, is adjudged to be correct. Let the instrument, with certificate, be registered.

This the \_\_\_\_ day of \_\_\_\_\_ 194 .

\_\_\_\_\_  
 Clerk Superior Court

SEC. 3. The fee for probating and registering agricultural lien and chattel mortgages of the standard form, chattel mortgages in form as provided by Section two thousand five hundred and seventy-five of the Consolidated Statutes, title notes, agricultural liens and chattel mortgages of production credit associations and government emergency crop and seed loans and any other form of agricultural lien and chattel mortgage, chattel mortgage or title note, shall be fixed by the Board of County Commissioners of Johnston County.

Fees for probate and registration of certain chattel mortgages, etc.

SEC. 4. The probate and registration fees provided for in the preceding section shall be fixed by said Board of County Com-

Fees to be fixed by County Commissioners.

- missioners of Johnston County by resolution and order duly passed and entered upon the minutes of said board. The schedule of probate and registration fees as so adopted shall be published in all the newspapers published in Johnston County one time, or posted at the courthouse door in said county. Said schedule of probate and registration fees so adopted by said board of county commissioners shall become effective on January first, one thousand nine hundred and forty-four.
- Publication of schedule of fees.**
- Date schedule to become effective.**
- C. S. 3904A exempt from provisions of this Act.**
- Conflicting laws repealed.**
- C. S. 2490 amended.**
- Effective date.**
- SEC. 5. That Consolidated Statutes three thousand nine hundred and four A is expressly exempted from the provisions of this Act and nothing herein contained shall be construed as repealing any of the provisions of said section.
- SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed, especially that part of Section two thousand four hundred and ninety of the Consolidated Statutes of North Carolina in so far as such section applies to Johnston County.
- SEC. 7. That this Act shall be in full force and effect from and after January first, one thousand nine hundred and forty-four.
- Ratified this the 8th day of March, 1943.

## H. B. 556

## CHAPTER 654

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO THE SEVERAL TERMS OF SUPERIOR COURT FOR UNION COUNTY.

*The General Assembly of North Carolina do enact:*

- C. S. 1443 amended.**
- SECTION 1. That Section one thousand four hundred and forty-three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, relating to the terms of Superior Court to be held in Union County, be and the same is hereby amended by striking out all of said section applicable to Union County and by rewriting said section to read as follows:
- Terms of Superior Court in Union County.**
- “Union—Second Monday before the First Monday in March to continue for two weeks for the trial of civil and criminal cases; Ninth Monday after the First Monday in March for the trial of civil and criminal cases; Second Monday before the First Monday in September to continue for two weeks and for the trial of civil and criminal cases; Sixth Monday after the First Monday in September to continue for two weeks and for the trial of civil and criminal cases.

"If it shall appear to the Board of County Commissioners of Union County thirty days prior to the convening of either of said terms hereinabove provided for that the condition of the criminal docket does not justify the assembling of the grand jury for such term, then the board of county commissioners may in their discretion direct the clerk of Superior Court of said county to notify such grand jurors and the solicitor of said district of such fact and that they need not appear at said term.

Provision for dispensing with meeting of grand jury at certain terms.

"If it shall appear to the Board of County Commissioners of Union County thirty days prior to the convening of either of said terms hereinabove provided for that the civil or criminal docket, or both, do not justify the holding of such term, or the second week thereof, in the event such term be a two-weeks term, then the board of county commissioners in their discretion, and upon the recommendation of the Union County Bar Association, may notify the clerk of the Superior Court that said term or the second week thereof, has been dispensed with, and the clerk of said court shall not make a calendar of cases to be tried at such term, or second week thereof, as the case may be, and the judge assigned to hold the courts for said district shall be notified forthwith by said clerk that such term will not be held."

Cancellation of term of court, or part of term.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 559

## CHAPTER 655

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF WRIGHTSVILLE BEACH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section six of Chapter three hundred and five of the Private Laws of one thousand eight hundred and ninety-nine, as amended by Chapter eighty-eight, Chapter two hundred and nineteen and Chapter two hundred and twenty-three of the Private Laws of one thousand nine hundred and twenty-one, and Chapter two hundred and twenty-seven of the Private Laws of one thousand nine hundred and thirty-three be and the same is hereby repealed, and the following is substituted in lieu thereof:

Sec. 6, Ch. 305, Private Laws, 1899, rewritten.

"SEC. 6. That in the second week of June, one thousand nine hundred and forty-three, and in the second week of June every two years thereafter, the Governor of the State of North

Appointment of Mayor and Aldermen of Wrightsville Beach.

Carolina shall appoint a Mayor and four Aldermen for the said Town of Wrightsville Beach, who shall be sworn in as such mayor or aldermen on the first Tuesday in July following their appointment, or as soon thereafter as possible, by any person who is authorized to administer oaths.

Candidates to file petition with Town Clerk.

“That on or before the first day of May, one thousand nine hundred and forty-three and every two years thereafter, any person desiring to become a candidate for office of Mayor or Alderman of Wrightsville Beach shall file with the clerk of said town their petition for said office, signed by at least three freeholders or three legal residents of the said town.

Ballots to be sent freeholders and registered residents.

“That on or before the fifteenth day of May, one thousand nine hundred and forty-three and every two years thereafter, there shall be forwarded by the Clerk of the Town of Wrightsville Beach a ballot to every freeholder at their last known address and to registered legal residents of said Town of Wrightsville Beach, said ballot containing the names of the persons so filing for the above stated offices. The word freeholder or legal resident shall be designated behind the names of the respective candidates and the ballots shall be properly marked as designated, and notarized by any person authorized to administer oaths and returned to the Chairman of the County Board of Elections of New Hanover County in a sealed envelope not later than nine o'clock a. m. the first Monday in June following, and said ballots to be then opened and tabulated at twelve o'clock noon in the office of the Clerk of the Town of Wrightsville Beach by the Chairman of the New Hanover County Board of Elections, said opening being public. The person receiving the highest number of ballots shall be recommended as mayor of said town and the next four receiving the greater number of votes shall be recommended as aldermen of said town; and, the Clerk of the Town of Wrightsville Beach and the Chairman of the New Hanover County Board of Elections shall immediately forward to the Governor of the State of North Carolina the result of the said balloting. The said persons so appointed by the Governor of the State of North Carolina shall constitute the governing body of said town and shall possess and be invested with all the powers and duties which are now or may be hereinafter given to law governing bodies of cities and towns in the State of North Carolina: Provided, however, that two of the persons on said governing board shall be legal residents of the Town of Wrightsville Beach and three to be freeholders in said town; and the legal residents shall be considered for the purpose of holding office or casting ballot for said officers to be a person whose residence is six months or more out of the year in the Town of Wrightsville Beach and a legal resident of the State of North Carolina: Provided, further, that no person shall cast more than one

Contents of ballots.

Return of ballots to County Board of Elections.

Opening of ballots.

Persons to be recommended for appointment.

Powers and duties of governing body.

Two members to be residents; three to be freeholders.

ballot either as a freeholder or a legal resident of the Town of Wrightsville Beach.”

Subsection 1. The persons entitled to receive ballot from the Clerk of the Town of Wrightsville Beach as hereinbefore set out shall be:

(a) Persons of twenty-one years of age and who are freeholders in the Town of Wrightsville Beach.

(b) Any person over twenty-one years of age whose residence is six months or more out of the year in the Town of Wrightsville Beach and a legal resident of the State of North Carolina: Provided, that the said legal resident shall cause to be registered his name and address with the Clerk of the Town of Wrightsville Beach on or before May fifteenth, one thousand nine hundred and forty-three or any time thereafter between May first and May fifteenth.

(c) The Clerk of the Town of Wrightsville Beach shall forward the ballot herefore mentioned to every freeholder and every legal resident by mailing same to last known address or delivering in person.

Subsection 2. The present Mayor and Aldermen of the Town of Wrightsville Beach shall hold office until Tuesday of the first week in July, one thousand nine hundred and forty-three, or until their successors are appointed and qualified.

Subsection 3. Should a vacancy occur either as Mayor or Alderman of the Town of Wrightsville Beach during their respective terms of office, in that event, the remaining Aldermen of the Town of Wrightsville Beach may recommend to the Governor of the State of North Carolina one of their body or any freeholder or legal resident, as defined above, to be appointed by the Governor of the State of North Carolina to fill the vacancy.

Subsection 4. The Chairman of the County Board of Elections of New Hanover County shall receive for his services, in addition to such other compensation as he may receive, the sum of fifty dollars for supervising said casting of ballots. The said amount shall be paid by the Town of Wrightsville Beach, and the Town of Wrightsville Beach is hereby authorized, empowered and directed to pay such other necessary expense that may be incurred in carrying out the provisions of this Act.

Subsection 5. Any person violating any section of this Act regarding the opening of said ballots or casting of same shall be guilty of a misdemeanor, and punished by a fine or imprisonment, in the discretion of the court.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Persons entitled to vote.

Freeholders of age.

Certain residents.

Registration of residents.

Ballots to be mailed.

Term of present officials.

Vacancies.

Compensation of Chairman of Board of Elections for services in election.

Other expenses.

Certain violations made misdemeanor.

Punishment.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 572

CHAPTER 656

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF THE OFFICES OF COUNTY ACCOUNTANT, COUNTY FARM AGENT, AND COUNTY HOME DEMONSTRATION AGENT, AND FOR THE EXPENSES OF FOREST FIRE PROTECTION.

*The General Assembly of North Carolina do enact:*

Special tax levy in Transylvania County for salary and office expenses of County Accountant.

SECTION 1. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually for the years one thousand nine hundred and forty-three and one thousand nine hundred and forty-four on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and the expenses of maintaining the office of county accountant, necessary for the performance of his duties, as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended, and in Chapter one hundred and three, Public-Local Laws of one thousand nine hundred and thirty-five.

Special levy for salary and expenses of county farm agent.

SEC. 2. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually for the years one thousand nine hundred and forty-three and one thousand nine hundred and forty-four on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm agent and the necessary expenses incident to the performance of his work as county farm agent.

Special levy for salary and expenses of county home demonstration agent.

SEC. 3. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually for the years one thousand nine hundred and forty-three and one thousand nine hundred and forty-four on all taxable property in said county a special tax for the special purpose of paying the salary of the county home demonstration agent and the necessary expenses incident to the performance of her work as county home demonstration agent.

Special levy for forest fire protection.

SEC. 4. The Board of County Commissioners of Transylvania County is hereby authorized to levy annually for the years one thousand nine hundred and forty-three and one thousand nine hundred and forty-four on all taxable property in said county a special tax for the special purpose of paying the expenses of forest fire protection in said county.

SEC. 5. That if any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Partial invalidity section.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 574

### CHAPTER 657

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AS AMENDED, RELATING TO THE PEACE OFFICERS' RELIEF FUND OF THE COUNTY OF PITT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and sixty of the Public-Local Laws of one thousand nine hundred and thirty-one as amended by Chapter sixty-seven of the Public-Local Laws of one thousand nine hundred and thirty-five as amended by Chapter five hundred and thirty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine and as amended by Chapter three hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and forty-one be, and the same is hereby amended by striking out the words "one dollar" in line six of Section six and inserting in lieu thereof the words "fifty cents."

Ch. 460, Public-Local Laws, 1931, relating to peace officers' relief fund of Pitt County, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 587

### CHAPTER 658

AN ACT TO PROVIDE PROCEDURE FOR HOLDING A SPECIAL ELECTION ON THE QUESTION OF FURTHER OPERATING AND MAINTAINING THE LIQUOR STORES AT SOUTHERN PINES AND PINEHURST, MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the operation of the liquor stores at Southern Pines and Pinehurst, Moore County, North Carolina, may be continued as heretofore provided by law until and unless there shall have been held in Moore County an election under the

Election as to question of further operating certain liquor stores in Moore County.

Form of ballots.

same rules and regulations which apply to elections for members of the General Assembly, and at said election there shall be submitted only to the qualified voters of said county the question of further operating and maintaining said liquor stores, and those favoring further operating and maintaining said liquor stores shall mark in the voting square to the left of the words, "For liquor stores," printed on the ballot, and those opposed to further operating and maintaining said stores in Southern Pines and Pinehurst shall mark in the voting square to the left of the words, "Against liquor stores," printed on the same ballot, and if a majority of the votes cast in such election shall be for liquor stores, then the said liquor stores may continue to operate and be maintained as provided under Chapters four hundred and ninety-three of the Public Laws of one thousand nine hundred and thirty-five and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, and all amendments thereto, and if a majority of the votes cast at said election shall be against liquor stores, then the said stores shall be discontinued as provided under the provisions of said Chapters four hundred and ninety-three of the Public Laws of one thousand nine hundred and thirty-five, and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, and all amendments thereto.

Election called upon petition of 15% of qualified voters.

Notice for registration of voters.

Conduct of election.

SEC. 2. That such election shall be called in Moore County by the board of elections of said county only upon a petition to said board of elections, signed by at least fifteen per centum of the qualified voters in Moore County. In calling such special election, the county board of elections of said county shall give such notice for the registration of voters, and the said election shall be held and conducted as provided in Chapters four hundred and ninety-three of the Public Laws of one thousand nine hundred and thirty-five and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven, and all amendments thereto. Provided, that said election shall not be held before the first day of June, one thousand nine hundred and forty-five.

Not to be held before June 1, 1945.

Application of certain law enforcement funds.

SEC. 3. The Alcoholic Beverage Control Board of Moore County, from and after ratification of this Act, shall be authorized and empowered to apply such portion of the law enforcement fund, as is now provided by law, as said board may agree upon for law enforcement in the towns in which said stores are situate so long as such allocation does not seriously curtail the law enforcement throughout the remainder of Moore County.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Effective date.

SEC. 5. This Act, except as otherwise provided herein, shall be in full force and effect from and after June, one thousand nine hundred and forty-five.

Ratified this the 8th day of March, 1943.

H. B. 605

## CHAPTER 659

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS TO EXEMPT PROPERTIES TAKEN FOR MILITARY RESERVATIONS AND AIRPORTS FROM TAXATION FOR THE YEAR ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners for Wake County is hereby authorized to exempt from taxation any real estate in Wake County condemned or otherwise possessed by the United States Government prior to January first, one thousand nine hundred and forty-three, the title of which had not passed from the original owner on January first, one thousand nine hundred and forty-three.

Exemption from taxation of certain real estate in Wake County possessed by U. S.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 631

## CHAPTER 660

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO FOREST FIRE CONTROL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter one hundred and seventy-eight of the Public Laws of one thousand nine hundred and thirty-five, amending Section six thousand one hundred and thirty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, be amended by striking out the words "to meet an emergency" appearing after the word "Commissioners" in line twenty-seven of said section: Provided, the provisions of this Act shall not apply to Cumberland County.

Sec. 2, Ch. 178, Public Laws, 1935, relating to Forest Fire Control, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Act not applicable to Cumberland County.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

Ratified this the 8th day of March, 1943.

## H. B. 632

## CHAPTER 661

AN ACT TO AMEND SECTION FOUR THOUSAND THREE HUNDRED AND NINE OF THE CONSOLIDATED STATUTES, AS AMENDED, RELATING TO SETTING FIRE TO WOODLANDS, SO AS TO MAKE WILLFUL OR MALICIOUS ACTS IN VIOLATION THEREOF A FELONY.

*The General Assembly of North Carolina do enact:*

C. S. 4309, relating to setting fire to grass lands, etc., amended.

SECTION 1. Section four thousand three hundred and nine of the Consolidated Statutes of North Carolina, as amended by Chapter sixty-one of the Public Laws of one thousand nine hundred and twenty-five, relating to setting fire to grass lands, brush lands, and woodlands, is hereby further amended by inserting after the words "nor more than one year," at the end of the first sentence, and before the words "This section shall not prevent" at the beginning of the second sentence the following:

Felony where willful or malicious intent shown.

"If willful or malicious intent to damage the property of another shall be shown, said person shall be guilty of a felony, and shall, upon conviction, be punished by imprisonment in the State prison for not less than one nor more than five years."

Punishment.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 638

## CHAPTER 662

AN ACT TO AMEND SECTION EIGHT OF ARTICLE X OF THE CONSTITUTION OF NORTH CAROLINA, RELATING TO DEEDS TO HOMESTEADS, TO PROVIDE FOR A VOTE OF THE PEOPLE ON THE QUESTION OF ABOLISHING PRIVATE EXAMINATION OF MARRIED WOMEN.

*The General Assembly of North Carolina do enact:*

Sec. 8, Art. 10, N. C. Constitution, amended.

SECTION 1. Section eight of Article ten of the Constitution is hereby amended to read as follows:

How deed for homestead may be made.

"SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife."

Amendment to be submitted to voters at next general election.

SEC. 2. That this amendment shall be submitted to the qualified voters in the State at the next general election, in the

same way and manner, and under the same rules and regulations as provided in the laws governing general elections in this State.

SEC. 3. That the electors favoring the adoption of this amendment shall vote a ballot on which shall be written or printed the words "For Amendment Abolishing Constitutional Requirement of Private Examination of Wife for Sale of Homestead," and those opposed shall vote a ballot on which shall be written or printed the words "Against Amendment Abolishing Constitutional Requirement of Private Examination of Wife for Sale of Homestead."

Form of  
ballot.

SEC. 4. That the election upon this amendment shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and, if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify the amendment under the Seal of the State to the Secretary of State, who shall enroll the same amendment so certified among the permanent records of his office, and the same shall be in force and every part thereof, from and after the date of such certification.

Conduct of  
election on  
amendment.

Governor to  
certify amend-  
ment, if adopted.

Enrollment by  
Secretary of  
State.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 643

### CHAPTER 663

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND SIXTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE SALE OF BEER, WINE, AND ALCOHOLIC BEVERAGES WITHIN CERTAIN DISTANCES OF CHURCHES AND PUBLIC SCHOOLS IN THE TOWN OF HAYSVILLE, CLAY COUNTY, AND TO RE-ENACT CHAPTER ONE HUNDRED AND FIFTY-SEVEN, OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES IN THE TOWN OF HAYSVILLE, CLAY COUNTY, AND CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter four hundred and sixty-two of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, repealed.

Ch. 462, Public-  
Local Laws,  
1939, repealed.

Ch. 157, Private Laws, 1935, reenacted.

Sale of alcoholic beverages prohibited within certain areas in Clay County.

Conflicting laws repealed.

Effective date.

SEC. 2. That Chapter one hundred and fifty-seven of the Private Laws of one thousand nine hundred and thirty-five be, and the same is hereby, reenacted, in order to prohibit the sale of wine, beer, or other alcoholic beverages within one hundred yards of any church or public school located within the corporate limits of the Town of Haysville, Clay County, or within three hundred yards of any church or public school in Clay County outside the corporate limits of the Town of Haysville.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after May first, one thousand nine hundred and forty-three.

Ratified this the 8th day of March, 1943.

## H. B. 645

## CHAPTER 664

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BURKE COUNTY TO REIMBURSE ROY MORRISON, FORMER RURAL POLICEMAN, FOR MONEY PAID BY HIM IN SETTLEMENT OF CLAIMS OF THE ESTATE OF E. A. BECK, WHO WAS INJURED IN A COLLISION WITH A CAR OPERATED BY ROY MORRISON WHILE IN THE DISCHARGE OF HIS OFFICIAL DUTIES AS RURAL POLICEMAN FOR BURKE COUNTY, NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00).

### Preamble:

Roy Morrison, rural policeman of Burke County, directed to deliver child to Eastern Carolina Training School.

WHEREAS, on July twenty-third, one thousand nine hundred and forty-two, Roy Morrison, a rural policeman, of Burke County, North Carolina, was ordered and directed to deliver a child of Burke County to the Eastern Carolina Training School, in Rocky Mount, North Carolina; and

Collision with E. A. Beck on return trip.

WHEREAS, on his way back to Morganton the said rural policeman had a collision with one E. A. Beck of Davidson County, on Highway Number United States sixty-four, and as a result thereof the said E. A. Beck, now deceased, sustained certain bodily injuries and property damages; and the said Roy Morrison likewise sustained certain injuries to his person and property and remained in Grace Hospital for several days recuperating from said injury; and

Morrison alleged at fault.

WHEREAS, it was contended that Roy Morrison, rural policeman, was responsible for said collision and that the same was one of the proximate causes of the death of E. A. Beck, who died in November, one thousand nine hundred and forty-two; and

Payment of \$1000 by Morrison as compromise settlement.

WHEREAS, in order to compromise, settle and adjust the matters and things involved in said controversy, the said Roy

Morrison paid to Virginia Beck, administratrix of the estate of the said E. A. Beck, deceased, the sum of one thousand dollars (\$1,000.00) in order to avoid a lawsuit and the expenses incident thereto; and

WHEREAS, the said Roy Morrison, rural policeman, was at the time of said collision engaged in the discharge of his official duties: Now, therefore,

Morrison discharging official duties at time of collision.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Burke County is hereby authorized and empowered, after a careful and thorough investigation of the facts and circumstances recited in the preamble hereof, to reimburse Roy Morrison from the general fund of Burke County such sum as it may determine to be proper and just, but not to exceed one thousand dollars (\$1,000.00), to compensate the said Morrison for such sums as he may actually have paid the estate of E. A. Beck in settlement of said claim.

Reimbursement of Morrison authorized upon certain findings.

Not to exceed \$1000.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 647

CHAPTER 665

AN ACT TO PRESCRIBE A METHOD OF RELEASING POWERS OF APPOINTMENT.

*The General Assembly of North Carolina do enact:*

SECTION 1. A release or limitation of a power of appointment with respect to real or personal property exercisable by deed or will or otherwise may be effected, if such power may be released or limited under the laws of this State, by the execution by the holder of such power of an instrument in writing stating that the power is released or limited to the extent set forth therein, and the delivery of such instrument to any person who might be adversely affected if such power were exercised or to the fiduciary or one of the fiduciaries, if any, having possession or control of the property over which the power is exercisable.

Method of release of power of appointment.

SEC. 2. The method of release prescribed in Section one of this Act is not exclusive, and this Act shall not invalidate or be construed to invalidate any instrument or contract of release or limitation of a power not executed and delivered in the manner provided in Section one, or as invalidating any other

Method not exclusive.

act of release or limitation of a power, whether such instrument, contract or act has been heretofore or may be hereafter executed, delivered or done.

Release of power of appointment of real property.

SEC. 3. No release or limitation of a power of appointment after the effective date of this Act which is made by the owner of the legal title to real property in this State shall be valid as against creditors and purchasers for a valuable consideration until an instrument in writing setting forth the release or limitation is executed and acknowledged in the manner required for a deed and recorded in the county where the real property is.

As against creditors and purchasers for value.

Fiduciary not bound without actual notice.

SEC. 4. No fiduciary having possession or control of property over which a power of appointment is exercisable shall be bound or affected by any release or limitation of such power without actual notice thereof.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 662

## CHAPTER 666

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SAME BEING "AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF CHARLOTTE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE, AND TO REPEAL CERTAIN ACTS AND PORTIONS OF CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER."

*The General Assembly of North Carolina do enact:*

Ch. 366, Public-Local Laws, 1939, relating to the Charter of the City of Charlotte, amended.

SECTION 1. That Chapter three hundred and sixty-six of the Public-Local Laws of North Carolina of one thousand nine hundred and thirty-nine, the same being "An Act to continue the incorporation of the City of Charlotte and to codify, amend and consolidate the statutes that constitute the Charter of the City of Charlotte, and to repeal certain Acts and portions of certain Acts constituting a part of its present charter," be and the same is hereby amended as follows:

Sec. 24 amended.

(a) By striking out the last sentence of Section twenty-four reading as follows:

“Such duplicate statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or judge selected by them for the purpose of delivering to the County Board of Elections within five hours after the closing of the polls; provided that such time for filing the returns may be extended for any precinct in the discretion of said County Board of Elections not more than two hours.”  
and by inserting in lieu thereof the following:

“One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or judge selected by them for the purpose of delivering the same to the county board of elections at its meeting to be held on the second day after the election or primary. The other duplicate statement shall be mailed by one of the other precinct election officers to the chairman of the county board of elections immediately.”

Disposition of duplicate statements of voting in precincts.

(b) By striking out the first sentence of Section twenty-five reading as follows:

Sec. 25 amended.

“Immediately upon the receipt of the returns of such municipal primary or election the said County Board of Elections shall meet at the courthouse of Mecklenburg County for the purpose of canvassing the votes cast therein and the preparation of the abstracts thereof.”

and by inserting in lieu thereof the following:

“On the second day next after such municipal primary or election at ten o'clock a. m. of that day, the said county board of elections shall meet at the Courthouse of Mecklenburg County for the purpose of canvassing the votes cast therein and the preparation of the abstracts thereof.”

Canvassing of returns.

By striking out the last three sentences of Section twenty-five reading as follows:

Sec. 25 further amended.

“At or before nine o'clock on the next day after such primary or election the County Board of Elections shall file one set of the duplicate returns of the registrars and judges and one of the duplicate abstracts of the County Board of Elections with the Clerk of the City of Charlotte. Not later than the second day after the said municipal primary or election the County Board of Elections shall make and publish in some newspaper of general circulation in the City of Charlotte at least once the results of the primary or election and also post written notice of such results in the courthouse of Mecklenburg County, North Carolina, at the place where notices are usually posted and in the city hall of Charlotte, North Carolina, at the place where notices are usually posted. If the County Board of Elections shall deem it necessary, it may appoint special counters to assist the registrars and judges in counting the ballots cast in any municipal primary or election in any precinct; such

special counters before acting shall be sworn by a member of the said County Board of Elections to perform their duties honestly and properly.”

and by inserting in lieu thereof the following:

Filing of returns of registrars and judges and abstract of county board of elections.

“At or before nine o'clock on the third day after such primary or election the county board of elections shall file one set of the duplicate returns of the registrars and judges and one of the duplicate abstracts of the county board of elections with the Clerk of the City of Charlotte. Not later than the fourth day after the said municipal primary or election the county board of elections shall make and publish in some newspaper of general circulation in the City of Charlotte at least once the returns of the primary or election and also post written notice of such results in the Courthouse of Mecklenburg County, North Carolina, at the place where notices are usually posted in the City Hall of Charlotte, North Carolina, at the place where notices are usually posted. If the said county board of elections shall deem it necessary, it may appoint special counters to assist the registrars and judges in counting the ballots cast in any municipal primary or election in any precinct; such special counters before acting shall be sworn by a member of the said county board of elections or by the registrar of the precinct to perform their duties honestly and properly.”

Publication of returns.

Special counters.

Sec. 26 amended.

(c) By striking out the word “Wednesday” in Section twenty-six and by inserting in lieu thereof the words “first Monday.”

Sec. 28 amended.

(d) By striking out the third sentence of Section twenty-eight reading as follows:

“Six affirmative votes of the council members, or five of such affirmative votes, together with the vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance; provided, that no resolution or ordinance shall be finally adopted, repealed, annulled or amended on the day it is introduced unless by at least two thirds vote of those present, and no ordinance or resolution granting any special franchise or special privilege shall be passed until voted on at least two regular meetings of the city council.”

and by inserting in lieu thereof the following:

Passage of ordinances, etc., by city council.

“Six affirmative votes of the council members, or five of such affirmative votes, together with the affirmative vote of the mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance. An ordinance which is not approved by the affirmative votes of two thirds of those present on the day it is introduced must pass two readings, the second of which shall be at a meeting held subsequent to the day on which it passes its first reading. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings

Ordinances not approved by two-thirds of members present must pass two readings.

Certain ordinances must be passed at two regular meetings.

of the city council. Except as above required, motions, resolutions and ordinances will be deemed adopted if passed upon one reading."

(e) By striking from Section twenty-eight, beginning on line twenty-two, the following sentence: Sec. 28 amended.

"All final votes of the city council involving the expenditure of one hundred dollars (\$100.00) or over shall be by yeas and nays and shall be entered upon the records."  
and by inserting in lieu thereof the following:

"All final votes of the city council involving the expenditure of one hundred dollars (\$100.00) or over shall be by yeas and nays and shall be entered upon the records; provided that where there is a unanimous vote in favor of the expenditure of one thousand dollars (\$1,000.00), or less, an entry of such unanimous vote will be sufficient." Yeas and nays to be recorded on certain votes.

(f) By striking out the words "two years" in line six of Section thirty, and by inserting in lieu thereof the words "one year," and by inserting between the word "to" and the word "technical" in line seven of Section thirty the word and comma "casual," and by adding at the end of said section the following: Sec. 30 amended.

"All employees of the city except casual employees shall be residents of the city during their employment. The city manager may waive the requirements of this section as to residence before and during employment as to employees the principal duties of whose positions require them to work outside the city." Residence requirements of city employees.

(g) By adding a new subsection to Section thirty-two, to be known as Subsection thirty-nine, and reading as follows: Sec. 32 amended.

"(39) To compromise suits for street and sidewalk assessments when the validity or collectibility of any such assessment is doubtful; provided, however, that no such compromise settlement shall be made unless it is recommended by the city attorney, and unless such compromise settlement is approved by a two thirds vote of those present at the council meeting that passes on the proposal; and provided further that no such compromise settlement shall be made unless it is approved by the resident or a presiding judge of the Superior Court of the judicial district of the State of North Carolina in which the City of Charlotte is located." Compromise of certain special assessments.

(h) By adding at the end of Section thirty-two a new subsection as follows: Sec. 32 further amended.

"(40) To pay property damages not exceeding two hundred dollars (\$200.00) caused solely by the negligence of vehicles operated by the city where there is no contributory negligence by the claimant and where the city would be exempt from Payment of property damages caused by negligence of city vehicles in certain instances.

- liability for such negligence; these payments are to be made solely in the discretion of the council, when approved by the city attorney, and this section shall not be deemed to authorize suits against the city for such negligence.”
- No authorization of suits against city.
- Sec. 40 rewritten.
- (i) By striking out Section forty and each subsection, and substituting therefor the following:
- City Attorney.
- “SEC. 40. That there shall be employed by the council an attorney to act as City Attorney for the City of Charlotte.
- Employed by majority vote of city council.
- “ (1) Such city attorney shall be employed by the members of the city council by a majority vote and shall serve at the pleasure of the council: Provided, that should the city council deem it preferable it may employ either one or two—but not more than two—such attorneys. Nothing herein contained shall prevent any city attorney from being a member of a firm of attorneys.
- City may employ two attorneys.
- Compensation.
- “ (2) That the compensation of such attorney or attorneys shall not in the aggregate be in excess of six thousand dollars (\$6,000.00), to be paid in semimonthly installments; provided, nothing in this section or this Act shall prevent the city council from employing additional attorneys for occasional extra or special work and pay for such services an amount to be determined by the city council; provided further, that nothing in this section or in Chapter three hundred and sixty-six of the Public-Local Laws of North Carolina of one thousand nine hundred and thirty-nine as amended, shall prevent the city council from employing attorneys to examine titles, bring and try suits, sign pleadings and do other acts in connection with the collection or foreclosure of liens for taxes, local improvements, special assessments or other liens of any character.
- Additional attorneys for special work.
- Employment of attorneys for certain special purposes.
- Duties of city attorney.
- “ (3) That the duties of the city attorney or city attorneys shall be as follows: To prosecute or defend all suits at law or in equity wherein the City of Charlotte may become the plaintiff or defendant in said suit; to render advisory opinions to the city council, and to the heads of the departments; to attend only such meetings of the council as may be requested by the mayor or mayor pro tempore of said city; and to perform any other service of legal nature wherein a majority of the city council have concurred.
- Termination of employment.
- “ (4) That the said employment shall be terminated either by the death of such attorney or attorneys or when a majority of the members of the city council vote to remove the said attorney or attorneys, and such vacancy to be filled as provided in Section one.”
- Sec. 49 amended.
- (j) By adding to Section forty-nine a new subsection to be known as Subsection (13), as follows:

"(13) During the present or any other war time emergency, and for six months after the termination of such war time emergency, members of the fire department and police department may be employed on a temporary basis and such temporarily employed members may be discharged by the city manager without the preferment of charges. Any other provisions of Section forty-nine of Chapter three hundred and sixty-six of the Public-Local Laws of North Carolina of one thousand nine hundred and thirty-nine or of the general law to the contrary notwithstanding."

Employment of members of fire and police department on temporary basis during war time emergency.

(k) By striking from Section fifty-two, beginning on line fourteen, the following: Sec. 52 amended.

"Provided, however, that it shall be mandatory upon said city to require the abutting property owners to pay the entire cost of such improvements, except such portion thereof as may be chargeable to street or public alley intersections, which portions of the cost of such improvements shall be paid by the City of Charlotte."

and by inserting in lieu thereof the following:

"Provided, however, that it shall be mandatory upon the city to require the abutting property owners to pay for the entire cost of such improvements, except such portions thereof as may be chargeable to street or public alley intersections, which portions of the cost of such improvements shall be paid by the City of Charlotte; and provided further that the city council, without petition by abutting property owners, may by resolution adopted by a two thirds majority of the members of the council present at not less than two regular meetings of the council order the city to make and pay all or any part of the cost of any improvement (1) where the council determines that in the public interest such improvement is necessary in order to connect a public park, school building, hospital or other public facility with a nearby paved street; or (2) where in the public interest and to relieve traffic congestion and provide a thoroughfare between the downtown business section and a densely populated suburban section of the city it is necessary to widen, repave or resurface or otherwise improve a street, the major portion of which passes through a section, part of which is sparsely settled and part of which is paralleled by a nearby railroad which would not be materially benefited by such improvement."

Payment for certain improvements by abutting property owners.

Exceptions.

(l) By adding at the end of Section fifty-two the following:

Sec. 52 further amended.

"The city is authorized, when directed to do so by the council, to accept from the owner or owners of any property a deed for same in extinguishment of all or part of its tax, local improvement, special assessment or other liens against said property, and such transactions shall be valid in every respect; provided that when such a transaction involves the

Acceptance of deeds to property in extinguishment of tax and other liens.

extinguishment of a tax lien the council must find as a fact that the fair market value of the property is at least equal to the full amount of the tax, with all accrued interest and penalties.”

Sec. 54(1)  
amended.

(m) By adding the following to Subsection (1) of Section fifty-four:

“Any member of said corporation may be removed at any time by a two thirds vote of the city council with or without cause.”

Sec. 56(1)  
amended.

(n) By adding at the end of Subsection (1) of Section fifty-six the following:

“Any trustee appointed by the Mayor of the City of Charlotte may be removed at any time with or without cause by a two thirds vote of the city council.”

Sec. 57(2)  
amended.

(o) By adding the following sentence to Subparagraph (2) of Section fifty-seven:

“Any member of the airport commission may be removed at any time either with or without cause by a two thirds vote of the city council.”

Sec. 57(7)  
amended.

(p) By striking out the following sentence in Subsection (7) of Section fifty-seven, reading as follows:

“Said fund shall be disbursed by checks signed by the City Treasurer, the Chairman of the Airport Commission and the Mayor of the City of Charlotte upon orders or vouchers approved by the Chairman of said Commission, the Mayor of the City of Charlotte and the City Manager.”  
and by inserting in lieu thereof the following:

Method of  
disbursement.

“Said fund shall be disbursed by checks signed by the city treasurer and the chairman of the airport commission or, in his absence, by the vice chairman of the airport commission upon orders or vouchers approved by the manager of the airport and by the chairman or, in his absence, by the vice chairman of said commission.”

Sec. 58 amended.

(q) By adding the following immediately after the first sentence in Section fifty-eight:

“Any commissioner may be removed at any time with or without cause by a two thirds vote of the city council.”

Sec. 61 amended.

(r) By adding at the end of Section sixty-one the following:

Conveyance of  
real estate.

“In the sale of real estate the city is authorized to execute deeds in the usual form and containing full covenants of warranty.

Special conditions  
applicable to  
real estate ac-  
quired by enforce-  
ment of lien.

“Where the city acquires title to real estate or an interest therein, by virtue of the enforcement of a tax, local improvement,

special assessment or other lien of any character, the following special conditions shall apply: (1) the city may sell the same at any time at private sale to any person owning an interest therein (other than an interest under a mortgage, deed of trust, or other lien) at the time of such enforcement, for a consideration which will be equal to the taxes, penalties, interest and other liens which were enforced, plus court costs expended in connection therewith; (2) except as provided in (1), the city may not sell the said property or its interest therein within one year after the date of the execution of the deed by which it acquired title, without the written consent of the persons owning the same at the time of such enforcement (other than those owning interests under mortgages, deeds of trust or other liens)."

(s) By adding at the end of Section sixty-two the following: **Sec. 62 amended.**

"The said bonds shall be renewed annually."

(t) By adding at the end of Section sixty-four the following: **Sec. 64 amended.**

"Unless otherwise ordered by the council, the city shall accept as a deposit in lieu of any bid bond required by law a cashier's or certified check drawn upon any bank in the State of North Carolina."

SEC. 2. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed. **Conflicting laws repealed.**

SEC. 3. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in said judgment. If any part or clause of this Act shall be declared unconstitutional, and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein. **Partial invalidity section.**

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 665

## CHAPTER 667

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND THREE (1403) OF CHAPTER THREE HUNDRED AND TEN (310) OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE (1939) RELATING TO PENALTIES AND DISCOUNTS ON TAXES.

*The General Assembly of North Carolina do enact:*

Sec. 1403 (6),  
Ch. 310, Public  
Laws, 1939,  
relating to pen-  
alties and dis-  
counts on taxes,  
amended.

SECTION 1. That Subsection six (6) of Section one thousand four hundred and three (1403) of Chapter three hundred and ten (310) of the Public Laws of one thousand nine hundred and thirty-nine (1939) be amended by adding at the end thereof the following: "If paid during the month of September, a deduction of one per cent (1%)."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 672

## CHAPTER 668

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AS AMENDED, THE SAME BEING THE REVENUE ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE DEDUCTION OF CONTRIBUTIONS FROM TAXABLE INCOME.

*The General Assembly of North Carolina do enact:*

Sec. 322 (9),  
Chapter 158,  
Public Laws,  
1939, rewritten.

SECTION 1. That Chapter one hundred and fifty-eight (158) of the Public Laws of one thousand nine hundred and thirty-nine (1939), as amended, is hereby further amended by striking out Subsection nine (9) of Section three hundred and twenty-two (322), and substituting in lieu thereof the following:

Deductions of  
contributions or  
gifts.

"9. Contributions or gifts made by individuals, firms, partnerships and corporations within the income year to corporations, trusts, community chests, funds, foundations or associations organized and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual: Provided, that in the case of such contributions or gifts by corporations and partnerships, the amount allowed as

By corporations  
and partnerships.

a deduction hereunder shall be limited to an amount not in excess of five (5%) per centum of the corporation's or partnership's net income, as computed without the benefit of this subdivision: and provided that in the case of such contributions or gifts by individuals, the amount allowed as a deduction shall be limited to an amount not in excess of ten (10%) per centum of the individual's net income, as computed without the benefit of this section."

By individuals.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after January first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

H. B. 674

## CHAPTER 669

### AN ACT TO CREATE A RETIREMENT SYSTEM FOR THE EMPLOYEES OF NEW HANOVER COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created a Board of Trustees in the County of New Hanover to be known as the "Board of Trustees for the Retirement System of New Hanover County, North Carolina," and the board of trustees shall consist of four persons to be selected as follows: One by the employees of New Hanover County and one by the Commissioners of New Hanover County, and these two shall select a third member of the board, who shall serve for a period of two years, at which time and every two years thereafter his successor shall be selected in the same manner, and the Auditor of New Hanover County is hereby designated a member of said board of trustees without voting power. The said trustee shall be appointed by the board of county commissioners on the first Monday in July, one thousand nine hundred and forty-three, to serve until the first Monday of January, one thousand nine hundred and forty-five, and his successor shall be appointed on the first Monday of January, one thousand nine hundred and forty-five, and every two years thereafter. The one member selected by the employees of the county shall be selected to take effect the first Monday of July, one thousand nine hundred and forty-three, to serve until the first Monday of January, one thousand nine hundred and forty-four, and his successor shall be selected every two years thereafter. All of said trustees shall serve without compensation.

Board of Trustees for the Retirement System of New Hanover County created.

Number of trustees.

Method of selecting trustees.

Time of appointment.

Trustees to serve without compensation.

The county auditor or any other person selected by the trustees shall be the clerk and treasurer of the said retirement fund

Clerk and treasurer of retirement fund.

- Compensation. and shall be allowed for his services such sum as the board of trustees shall find equitable.
- Object of Act. The object of this Act is to provide a retirement fund for any permanently disabled or superannuated employee of said county, as hereinafter provided, and to provide necessary funds to continue payments of compensation to those persons who may be placed on the retirement rolls of said county.
- Investment of fund. SEC. 2. That the Board of Trustees for the Retirement System of New Hanover County shall have the power to invest and reinvest from time to time said pension fund or any part thereof in the name of "Board of Trustees for the Retirement System of New Hanover County" in interest bearing bonds of the United States, of the State of North Carolina, or the County of New Hanover. In case such pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank or banks, all interest or money which may be paid or agreed to be paid on account of such sums on deposit shall belong to and constitute a part of said fund, as well as any other income or accretions arising from any investments made under this Act.
- Interest from deposits of fund. SEC. 3. That the said board of trustees shall make a full report of the status of said fund to the Board of Commissioners of New Hanover County at the first regular meeting of said commissioners in July of each year.
- Reports to Board of Commissioners of County. SEC. 4. That it shall be the duty of the County Attorney of the County of New Hanover to give advice to said board of trustees in all matters pertaining to their duties and the management of said Retirement System of New Hanover County whenever so requested, and he shall represent and defend said board as its attorney in all suits or actions of law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by said board.
- County Attorney to act as attorney to Board of Trustees. SEC. 5. That the board of trustees for the retirement system shall have power to make all needful rules and regulations for the management of the pension fund not inconsistent with the provisions of this Act, and said board shall hear and pass upon all applications for pensions under this Act, and its decisions on such applications, except where the same are in conflict with this Act, shall be final and conclusive. The board shall cause to be kept a record of all its meetings and proceedings.
- Power to make rules. SEC. 6. The retirement compensation for permanent disability and superannuation shall be subject to the following regulations:
- Decision of Board on applications for pensions conclusive. (a) Any employee of New Hanover County, who has attained the age of sixty years, may, upon his request, be placed on the retired list and shall receive such sums as he may be
- Record of meetings, etc.
- Retirement compensation.
- Employees sixty years of age.

entitled to under Subsection (b), and anyone who has been in the employ of the county as long as ten years, and who has become disabled and unable to continue to perform satisfactorily the services required of him, may be placed on the retirement rolls in the discretion of the trustees and said disabled employee shall receive as his retirement compensation such sum as he shall be entitled to under the scale shown in Subsection (b).

Certain disabled persons in employ of county ten years.

Discretion of trustees.

(b) All employees who shall be placed on the retirement rolls shall receive from the retirement fund, in regular monthly payments, a sum equal to thirty per cent (30%) of his average salary for the preceding three years; provided, he has been in the employ of the county for as long as ten years, which rate shall be increased one per cent (1%) for each additional year's service; but in no case shall he (or she) receive more than fifty per cent of his (or her) former salary.

Retirement benefits.

(c) That in all instances where the services of a physician are found necessary for the examination of an applicant seeking a pension, the certificate of such physician or surgeon shall be secured by the board, and be carefully preserved by it.

Certificates of examining physician.

(d) Anyone who is a member of the retirement system of the county and who shall sever his connection with the county before becoming entitled to retirement compensation shall have such sum as has been paid in by him refunded. In case such severance is by death, such amount shall be refunded to his (or her) administrator or executor.

Refunds to certain members of system severing connection with county.

SEC. 7. That the Commissioners of New Hanover County are hereby authorized and directed to appropriate not less than ten thousand dollars (\$10,000.00) from the general fund of said county for the fiscal year beginning July first, one thousand nine hundred and forty-three, and shall thereafter appropriate a sum equal to not less than five per cent (5%) of the annual salary of each employee who elects to become a member of the retirement fund.

Appropriations.

(a) The county auditor shall deduct four per cent (4%) from the monthly salary of each employee member and pay the said amount to the retirement fund.

Deductions from salaries of employee members for fund.

(b) In case of employees employed jointly by the county and the city, their proportion of payroll deductions by the county for the benefit of the retirement fund and in case of retirement, the proportion paid to them from the retirement fund shall bear the same relation to their total salary as that part of their salary paid by the county bears to the total salary received by them.

Salary deductions and retirement payments to employees employed jointly by county and city.

(c) The board of trustees, as herein provided for, may accept and receive any gift, grant, or bequest of any real or personal property or other things of value for, and as the property of, said

Gifts to retirement fund.

Investment and disbursement of gifts.

retirement fund, and hold, invest, and disburse the same for the uses of said fund, in accordance with the purposes of this Act.

Persons to whom Act applies.

SEC. 8. This Act shall apply to all persons who are now employed by the county or who may hereafter be employed by the county, except those for whom a retirement system has been established by the laws of North Carolina, and casual workers.

“Employee” construed.

The term “employee” shall be construed to mean anyone employed by the county in either an elective or appointive position.

Board to keep book known as “List of Retired Employees.”

SEC. 9. That there shall be kept in the office of said board of trustees by its secretary a book to be known as the “List of Retired Employees.” This book shall give a full and complete history and record of all the actions of the board of trustees in retiring any and all persons under this Act; such records shall give names, dates of employment by the county, date of retirement, and the reason therefor, of any and all persons retired.

Other contents of book.

Pension fund exempt from taxation.

SEC. 10. That the pension fund herein provided for shall be exempt from taxation.

Powers and duties of Board.

SEC. 11. That the board of trustees shall hold all funds collected, upon the trusts and for the purposes set out in this Act, and shall be clothed with all the power and authority and subjected to all the duties and restrictions in this Act contained.

Partial invalidity section.

SEC. 12. That if any section of this Act shall be declared unconstitutional or invalid, it shall in no way invalidate any other section.

Conflicting laws repealed.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 680

CHAPTER 670

AN ACT TO REGULATE CHILD LABOR IN NORTH CAROLINA BY AMENDING CHAPTER THREE HUNDRED AND SEVENTEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 317, Public Laws, 1937, amended.

SECTION 1. Section seven of Chapter three hundred and seventeen of the Public Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by changing

the period at the end of the second sentence of said Section seven to a colon, and adding the following:

“Provided, however, that this section shall not prohibit a minor under the age of eighteen years from working in any establishment where beer is sold and not consumed on the premises, and to which has been issued only an ‘off premises’ license for the sale of beer.”

Section not to prevent minor under 18 from working in certain establishments where beer is sold.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 686

CHAPTER 671

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO WAIVE CLAIM OF STATE TO COMPENSATION FOR LANDS CLAIMED BY INDIVIDUALS IN THE NEW RIVER MARINE BASE AREA.

WHEREAS, attorneys, employed by the Transportation Advisory Commission to secure right of way for the Intracoastal Waterway in Onslow County, were authorized by said commission to contact landowners along the proposed line of construction and to secure from such owners, if possible, deeds for the said right of way; and to accept deeds conveying only an easement in cases where the owners were willing to convey the right of way without compensation for the same; and pursuant to such instruction practically all of the landowners between White Oak River and New River agreed to denote an easement or right of way one thousand feet in width across their lands for the construction of such waterway and for the deposit of dredged material, and several of such owners did actually execute and deliver easement deeds covering the same; and

Preamble: Easements for Intracoastal Waterway in Onslow County.

Certain easement deeds executed.

WHEREAS, upon submission of the deeds and abstracts of title to the War Department, the same were not approved, and the War Department requested that the said right of way be acquired by condemnation; whereupon said commission directed its attorneys to proceed to condemn the area under the statute which provided that all condemnations thereunder should be a taking of land in fee; and

Deeds not approved.

War Department requested condemnation.

WHEREAS, said right of way was condemned and taken in the name of the State of North Carolina, and the State of North Carolina conveyed to the United States Government only an easement for the purposes of aiding the construction of said waterway; and thereafter, the affected landowners, who had

Right of way condemned in name of State and conveyed to U. S.

not sought compensation for the right of way, under the belief they had only been deprived of an easement in their lands, continued to use the same, and in some cases to erect valuable improvements on the same, not inconsistent with its use for said waterway; and

Owners believed they had been deprived of easement only.

Large part of right of way now included in Marine Base area.

WHEREAS, the United States has now included a large portion of said right of way and the improvements thereon in the area taken for the Marine Base, and a question has been raised as to who is entitled to compensation for said lands and the improvements thereon other than said waterway: Now, therefore,

*The General Assembly of North Carolina do enact:*

Waiver by State of compensation for certain lands in right of way.

SECTION 1. That the Governor, in his discretion, with the consent and approval of the Council of State, is hereby authorized and empowered to waive, release, assign or transfer to the individual claimants whose title has been established except as to title in the State all compensation for tracts of land or lots situated in the right of way of the Intracoastal Waterway in Onslow County, which land or lots have been taken by the United States as part of the Marine Base area; and this authorization shall apply to and cover lots or tracts in such right of way on account of which the State Board of Education has been designated as a party, as well as to those on account of which the State is set up as a party, but not as to any lands actually owned by the State Board of Education.

SEC. 2. This Act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 687

## CHAPTER 672

AN ACT TO AMEND THE NORTH CAROLINA WORKMEN'S COMPENSATION ACT BY MAKING IT APPLICABLE TO MEMBERS OF THE NATIONAL GUARD AND THE STATE GUARD WHILE AT DRILL, IN CAMP, AND ON SPECIAL DUTY UNDER ORDERS OF THE GOVERNOR.

*The General Assembly of North Carolina do enact:*

Sec. 2(b), Ch. 120, Public Laws, 1929, amended.

SECTION 1. Subsection (b) of Section two of Chapter one hundred and twenty of the Public Laws of one thousand nine hundred and twenty-nine, as amended by Chapter four hundred and forty-eight of the Public Laws of one thousand nine hundred and thirty-three and Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and thirty-nine, is further amended by inserting after the first

sentence of said section a new sentence to read as follows: "The term 'employee' shall include members of the North Carolina National Guard, except when called into the service of the United States, and members of the North Carolina State Guard, and members of these organizations shall be entitled to compensation for injuries arising out of and in the course of the performance of their duties at drill, in camp, or on special duty under orders of the Governor."

Term "employee" to include certain members of N. C. National Guard, and members of N. C. State Guard.

Compensation for certain injuries.

SEC. 2. Section twenty-nine of Chapter one hundred and twenty of the Public Laws of one thousand nine hundred and twenty-nine, as amended by Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and thirty-nine, is further amended by adding a new sentence at the end of said section to read as follows:

Sec. 29, Ch. 120, Public Laws, 1929, amended.

"The basis for compensation of members of the North Carolina National Guard and the North Carolina State Guard shall be the maximum amount of eighteen dollars per week as fixed herein."

Basis of compensation.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 690

## CHAPTER 673

AN ACT TO AMEND SECTION SEVEN THOUSAND ONE HUNDRED AND NINE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATIVE TO THE REGISTRATION OF CERTIFICATES OF BIRTH AND DEATH.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seven thousand one hundred and nine of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by striking out the following portion thereof:

C. S. 7109 amended.

"He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book supplied by the State Registrar, which record book the local registrar shall deposit with the register of deeds of the county not later than the fifteenth of February each year. And the register of deeds shall make and keep an index, the form of which shall be of the births and deaths that have occurred in the county, and these records shall be open at all times to official inspection. And he shall, on the fifth day of each month,

transmit to the State Registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month, the local registrar shall, on the fifth day of the following month, report that fact to the State Registrar on a card provided for such purpose," and inserting in lieu thereof the following:

Duties of local registrar as to birth and death certificates.

"He shall also make two complete and accurate copies of each birth and each death certificate registered by him on blanks supplied by the State Registrar. He shall, on the fifth day of each month, transmit to the State Registrar all original certificates registered by him for the preceding month and shall, at the same time, transmit to the register of deeds of the county a copy of each certificate of birth or death registered by him for the preceding month and shall retain one copy of each certificate for his own files. The register of deeds shall make and keep an index, the form of which shall be of the births and deaths that have occurred in the county, and these records shall be open at all times to official inspection. If no births or no deaths occurred in any month, the local registrar shall, on the fifth day of the following month, report that fact to the State Registrar and the register of deeds of the county, on cards provided for such purpose."

Duty of register of deeds.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect from and after June first, one thousand nine hundred and forty-three.

Ratified this the 8th day of March, 1943.

H. B. 692

CHAPTER 674

AN ACT TO VALIDATE CERTAIN ACTS OF THE GOVERNING BODY OF THE CITY OF CHARLOTTE WITH RESPECT TO SPECIAL ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

Certain acts and proceedings of City of Charlotte, and special assessments heretofore levied, validated.

SECTION 1. All proceedings taken and acts heretofore done and steps taken by the City of Charlotte in the paving, widening, improving and constructing of streets and sidewalks, and the assessments levied therefor, and all other special assessments heretofore levied by the said city are in all respects approved, ratified and validated; without limiting the generality of the foregoing, where permanent improvement, local improvement or other special assessments have been divided into installments without written request therefor by or notice from the owner of the property assessed, and such installments have been shown upon the city's special assess-

Division of assessments for certain improvements into installments without request by owner, validated.

ment books, or other books wherein said installments have been recorded, said division of assessments into installments is approved, ratified and validated, and the liens of the said installments are approved, ratified and validated and said installments which, according to said records are shown to have fallen due heretofore, are hereby declared to have fallen due as shown by said record, and said installments which by said record are shown to be due hereafter, are hereby declared to be due as shown by the said records.

Liens of installments validated.

Installments declared to be due or to have fallen due as shown by records.

SEC. 2. The said city is authorized to divide into installments all permanent improvement, local improvement or other special assessments heretofore or hereafter levied either with or without written notice from the owner of the property involved electing to pay the same in installments or request for such division into installments, provided that said installments and the maturity dates of the same shall be recorded in the city's special assessment books or other books kept for that purpose.

City authorized to divide certain assessments into installments.

With or without election by owner.

Records of such installments and maturity dates.

SEC. 3. Nothing herein contained shall prevent any property owner from paying in full at any time with accrued interest any or all installments whether due or not.

Property owner not prevented from paying installment in full.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 693

CHAPTER 675

AN ACT TO AUTHORIZE THE STATE SCHOOL COMMISSION TO REIMBURSE TOM JACKSON FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS IN PITT COUNTY ON FEBRUARY TWENTY-THIRD, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, a school bus being operated by an employee of the Pitt County Board of Education collided with an automobile owned by Tom Jackson on February twenty-third, one thousand nine hundred and forty-three; and

Preamble: Collision between school bus and car of Tom Jackson.

WHEREAS, as a result of said collision said automobile owned by the said Tom Jackson was considerably damaged: Now, therefore,

Jackson car damaged.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of Tom Jackson referred to above and upon production of satisfactory proof that the collision

Reimbursement authorized upon certain findings.

and damage occurred through negligent operation of the school bus and that there was no contributory negligence on the part of said Tom Jackson, the State School Commission is authorized to pay Tom Jackson such sum not exceeding seventy dollars (\$70.00) as will reimburse him for damage found to be thus sustained.

Not to exceed  
\$70.00.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 700

## CHAPTER 676

AN ACT TO AMEND SECTION THREE THOUSAND FOUR HUNDRED AND EIGHTY-FOUR OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND NINETEEN SO AS TO PERMIT THE GOVERNOR TO APPOINT POLICEMEN FOR TRANSPORTATION COMPANIES.

*The General Assembly of North Carolina do enact:*

C. S. 3484, relating to appointment of railroad police, amended.

SECTION 1. That Section three thousand four hundred and eighty-four, Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, be and the same is hereby amended by inserting after the word "company" and before the word "may" in line three, the following words: "or motor vehicle carrier."

C. S. 3485, relating to railroad police, rewritten.

SEC. 2. That Section three thousand four hundred and eighty-five, Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, be amended so that the same shall read as follows:

Oath.

"Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the usual oath. Such oath, with a copy of the commission, shall be filed with the Utilities Commission, and such policemen shall severally possess within the limits of each county in which the railroad or motor vehicle carrier for which such policeman is appointed may run or in which the company may be engaged in work or business all the powers of policemen in the several towns, cities and villages in any such county: Provided, that every policeman appointed under this and the preceding section shall, before entering upon the duties of his office, enter into bond in the sum of five hundred dollars, payable to the State of North Carolina, conditioned for the faithful performance of the duties of his office, with good and sufficient surety,

Powers.

Bond.

to be passed upon and accepted by and filed with the Utilities Commission.”

SEC. 3. That Section three thousand four hundred and eighty-eight, Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, be amended so that the same shall read as follows:

C. S. 3488  
rewritten.

“Whenever any company shall no longer require the services of any policeman so appointed as aforesaid, it may file a notice to that effect in the office of the Governor and the office of the Utilities Commission and thereupon the power of such officer shall cease and determine.”

Police powers  
cease on com-  
pany's filing  
notice.

SEC. 4. That Section three thousand four hundred and eighty-four, Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, as amended, be and the same is hereby amended further by striking out the word “railroad” before the word “company” in the last sentence thereof.

C. S. 3484  
amended.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 6. That this Act shall be in force from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 713

## CHAPTER 677

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE CREATION OF THE OFFICE OF TAX COLLECTOR FOR SURRY COUNTY AND TO PROVIDE FOR THE APPOINTMENT OF TAX COLLECTORS IN SURRY COUNTY AND FOR THE CREATION OF TAX COLLECTION DISTRICTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter four hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and thirty-five is hereby amended in the following particulars, that is to say:

Ch. 423, Public-  
Local Laws,  
1935, amended.

(1) Section one of said chapter is hereby amended by striking out said section and inserting in lieu thereof the following:

Sec. 1 rewritten.

“SECTION 1. That the Board of Commissioners of Surry County is hereby authorized and empowered to name, constitute and appoint one or more tax collectors for said county, whose compensation and term of office shall be fixed by the said board and paid monthly from the general fund of the county; but

Tax collectors  
provided for  
Surry County.

Compensation  
and term of  
office.

General fund  
to be reimbursed.

the said county general fund shall be reimbursed pro rata from the various funds for which taxes are levied on the basis of the amount so severally levied; and the said board of commissioners is hereby authorized to divide said county into such number of tax collecting districts as it may deem for the best interests of the county."

Tax collecting  
districts.

Sec. 2 rewritten.

(2) Section two of said chapter is hereby stricken out and the following inserted in lieu thereof:

Liability of tax  
collector.

"SEC. 2. Each tax collector appointed under the provisions of this Act shall be responsible for the collection and settlement of all taxes and shall be responsible and liable in the same manner as sheriffs of the State of North Carolina are liable in their capacity as tax collectors."

Sec. 3 rewritten.

(3) Section three of said chapter is hereby stricken out and the following inserted in lieu thereof:

Bond.

"SEC. 3. That each of the tax collectors appointed under this Act shall execute a bond in a surety company authorized to do business in North Carolina in such amount as may be required by said commissioners and in such form as is now required by the general laws of the State of North Carolina of sheriffs in the capacity of tax collectors, the premiums on said bonds to be paid by the county out of the general fund."

Premium to be  
paid by county.

Sec. 4 rewritten.

(4) Section four of said chapter is hereby stricken out and the following inserted in lieu thereof:

Powers and duties  
of tax collector.

"SEC. 4. That each tax collector appointed under this Act immediately upon entering upon the duties of his office shall have the same power and authority and be chargeable with all the duties of a sheriff under the general laws of North Carolina in the capacity of a tax collector, and none other; it being the purpose of this Act to clothe each tax collector appointed under the provisions hereof with the same powers and the same responsibilities as is provided by general law for a sheriff in his capacity as tax collector, so that he may have the authority to levy on property for the collection of taxes, to advertise property in the manner and as provided by law, issue tax sales certificates and in general to do and perform every and all acts necessary or requisite in the collection of taxes, and in the same manner and to the same effect as if performed by a sheriff of North Carolina in the capacity of tax collector."

Sec. 5 rewritten.

(5) Section five of said chapter is hereby stricken out and the following inserted in lieu thereof:

Office for each  
tax collector.

"SEC. 5. The said board of commissioners is hereby authorized to maintain and equip an office for each tax collector appointed hereunder in such town or towns as said board may determine

and to pay the expenses thereof. No tax collector, however, shall incur any expense in connection with the maintenance of such office without the approval of said board.” Expense.

(6) Section six of said chapter is hereby stricken out and the following inserted in lieu thereof: Sec. 6 rewritten.

“SEC. 6. The offices of the tax collectors provided and set up by said board of commissioners shall be kept open for the collection and receipt of taxes during such hours and on such days as the board of commissioners may fix and determine.” Offices to be kept open.

(7) Section seven of said chapter is hereby amended by striking out the word “Collector” and inserting in lieu thereof the word “Collectors” in line one of said section. Sec. 7 amended.

(8) Section eight of said chapter is hereby stricken out and the following inserted in lieu thereof: Sec. 8 rewritten.

“SEC. 8. That the tax collectors appointed under the provisions of this Act shall daily deposit all funds received in the collection of taxes in that depository designated by the board of commissioners to the credit of the county and of the funds to which they belong, and shall daily report said deposits to the county accountant and bookkeeper by means of a duplicate deposit receipt signed by the depository: Provided, however, that with the approval of the board of commissioners, it shall be sufficient to deposit such collections in the name of the county, to the credit of a special account, from which distribution shall be made biweekly to the credit of the various funds to which such collections belong. Each tax collector shall render to the board of commissioners and to the county accountant and bookkeeper on the first Monday in each month, a full and complete accounting and showing of all moneys collected by such tax collector by virtue of his office, and the application of the same, if any.” Deposits of collections.  
Depository.  
Reports.  
Monthly accountings.

(9) Section nine of said chapter is hereby amended by striking out after the period in line six the following: Sec. 9 amended.

“The tax collector shall receive a salary of two thousand dollars (\$2000.00) per annum and there shall be paid by the County of Surry for the employment and in the employment of an assistant at Mount Airy and Elkin, the sum of not exceeding seventy-five dollars (\$75.00) per month for such assistant at Mount Airy and not exceeding the sum of forty-five dollars (\$45.00) per month for such assistant at Elkin. That the salaries provided herein for the tax collector and the assistant shall be paid monthly and by and from the general fund of the county, but said county general fund shall be reimbursed pro rata from the various funds and/or purposes for which taxes are levied on the basis of the amount so severally levied.”

Sec. 10 rewritten. (10) Section ten of said chapter is hereby stricken out and the following inserted in lieu thereof:

Salaries in lieu of other compensation.

"SEC. 10. That the salaries fixed by the said board of commissioners and the provisions for the payment of expenses and maintenance of the offices of said tax collectors shall be in lieu of all other fees and allowances for such tax collectors, and that said tax collectors are required to do and perform all things necessary, requisite and connected with the office, including making out lists of delinquent taxpayers, and advertising property for taxes in the manner required by the general laws of the State of North Carolina."

Duties.

Sec. 11 rewritten. (11) Section eleven of said chapter is hereby stricken out and the following inserted in lieu thereof:

Collection of delinquent and current taxes.

"SEC. 11. The said tax collectors shall use due diligence in collecting all taxes delinquent and current which are turned over to said tax collectors for collection in the manner and as provided by law, and the said tax collectors shall present to the board of county commissioners at each regular meeting of said board a complete and itemized statement of all taxes collected since the last report of said board."

Statement of taxes collected.

Sec. 12 rewritten. (12) Section twelve of said chapter is hereby stricken out and the following inserted in lieu thereof:

Effective date.

"SEC. 12. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three: Provided the board of commissioners may make appointments hereunder the first Monday in June, one thousand nine hundred and forty-three, fix the salaries of the tax collectors and the amount of the bond of each tax collector."

Agreements between county and municipalities in county for centralizing collection of taxes authorized.

SEC. 2. The Board of Commissioners of the County of Surry and the governing body or bodies of any municipality or municipalities located in said county are hereby authorized to enter into an agreement whereby the duties of collecting taxes for the county and the duties of collecting taxes for any such municipality or municipalities may be centralized, for the sake of economy, under the county tax collection system. Should such an agreement be entered into, the funds of each participating unit shall at all times be kept separate, and the governing bodies of said participating units shall agree as to the amount of bond to be required for the faithful performance of the duties of collecting said taxes; and shall make all other rules and regulations governing such collections as they may agree are necessary. All powers and duties governing the collection of taxes in any municipality entering the above agreement shall be transferred to and devolve upon the county tax collection system. The cost of collecting said taxes, including the premium payments on any surety bonds shall be borne on a pro rata basis by the units participating.

Funds of participating units to be separate.

Proration of costs.

Section two of this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date of Sec. 2.

SEC. 3. Chapter seventy-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby repealed.

Ch. 78, Public-Local Laws, 1937, repealed.

SEC. 4. This Act shall apply only to Surry County.

Application of Act.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Ratified this the 8th day of March, 1943.

H. B. 718

CHAPTER 678

AN ACT AUTHORIZING THE CLERK OF THE SUPERIOR COURT OF WAKE COUNTY TO APPOINT TWO ASSISTANT CLERKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Clerk of the Superior Court of Wake County is hereby authorized to appoint two assistant clerks of the Superior Court of Wake County, if and when he deems it necessary, said appointments to be with the written approval of the resident judge of the Superior Court.

Appointment of two assistant clerks by C. S. C. of Wake County.

Approval of resident judge.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after the thirtieth day of June, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

H. B. 728

CHAPTER 679

AN ACT TO PROVIDE FOR A SURVEY OF CERTAIN PROPERTY AND STATE WATERS IN CURRITUCK COUNTY.

WHEREAS, the owners of Swan Island Club on Knotts Island in Currituck County have encroached upon, and are now claiming, certain waters adjacent thereto; and

Preamble: Encroachment on certain waters by Swan Island Club, Knotts Island, Currituck County.

WHEREAS, in order to establish the lines of said landholders in said county, it is necessary that a survey be made to determine the same; and

Survey necessary.

WHEREAS, by virtue of Chapter five hundred and eighty-four of the Public-Local Laws of one thousand nine hundred and

Board of County Commissioners directed to have survey made.

thirty-nine, the Board of County Commissioners of Currituck County was authorized and directed to have a survey made in order to determine the lines of boundaries of said property; and

Board failed or refused.

WHEREAS, said board of county commissioners failed or refused to have said survey made, as provided in said Act; and

Board again directed to have survey made.

WHEREAS, by virtue of Chapter one hundred and fifty-four of the Public-Local Laws of one thousand nine hundred and forty-one, said board of county commissioners was ordered, within six months from the ratification of said Act, to have said survey made; and

Board again failed or refused.

WHEREAS, said board has again failed or refused to order said survey, as provided in said Act: Now, therefore,

*The General Assembly of North Carolina do enact:*

Board again directed to have survey made.

SECTION 1. That the Board of County Commissioners of Currituck County shall, within sixty days from the ratification of this Act, employ a competent surveyor, who has not heretofore surveyed any of the lines of said property or had any connection therewith, have a survey made of the property now owned by Swan Island Club in Currituck County in the vicinity of Knotts Island, and from said survey to determine the boundary lines of said club property and place thereon permanent markers, marking the said lines so surveyed in order that the boundary lines as they relate to the waters in Currituck County may be definitely located and permanently marked.

Procedure in making survey.

SEC. 2. The surveyor appointed by the Board of County Commissioners of Currituck County to make said survey is hereby authorized and directed to consult and use what is known as the Hatfield Grant or Plat in making said survey and is authorized, directed, and empowered to secure the services of John Bowden, who resides on Knotts Island in Currituck County, and who is acquainted with boundary lines in that vicinity, to assist in making said survey and locating the boundary lines.

Time for survey.

SEC. 3. Said survey shall be completed and the permanent markers established on or before the first day of October, one thousand nine hundred and forty-three.

Cost.

SEC. 4. The cost of said survey shall be paid by Currituck County.

Special tax to defray such cost.

SEC. 5. The Board of County Commissioners of Currituck County is hereby authorized, directed, and empowered, in order to provide funds for making the survey and establishing the permanent markers herein provided for, to levy a tax on all the taxable property in Currituck County at a rate sufficient to raise a fund covering the actual cost and not to exceed two

hundred and fifty dollars (\$250.00), which said levy shall be only for the tax year one thousand nine hundred and forty-four.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 737

## CHAPTER 680

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY, THE TAX LEVYING AUTHORITIES OF GREENSBORO CITY ADMINISTRATIVE UNIT TO LEVY AN ADDITIONAL TAX UPON THE PROPERTY IN SAID ADMINISTRATIVE UNIT FOR THE MAINTENANCE OF PLANT AND FIXED CHARGES THEREIN.

WHEREAS, the revenue available for the maintenance of plant and fixed charges has at times in the past been insufficient for the proper upkeep and maintenance of the buildings and grounds of Greensboro City Administrative Unit and the same condition may continue, or recur in the future: Now, therefore,

Preamble:  
Insufficient revenue for upkeep of property of Greensboro City Administrative Unit.

*The General Assembly of North Carolina do enact:*

SECTION 1. That when in the opinion of the Trustees of Greensboro City Administrative Unit, the funds applicable to said administrative unit, derived from fines, forfeitures, penalties, dog taxes and poll taxes and all other sources except State funds directed by the laws of North Carolina to be used for maintenance of plant and fixed charges, is insufficient for the proper upkeep and maintenance of the grounds and buildings of said administrative unit, the Board of Commissioners of Guilford County, when requested to do so by the trustees of said administrative unit may levy upon all property, real and personal, having a taxable situs within the said administrative unit, a tax, not exceeding four cents on each one hundred dollars of valuation, and said tax shall be used for no purpose other than the proper upkeep and maintenance of the grounds and buildings of said administrative unit.

Special tax for such purpose authorized.

SEC. 2. That the levy of the tax in above section provided shall not be made until and unless same has been approved by the State School Commission, or other body having lawful supervision of the public schools of North Carolina.

Approval of State School Commission required.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from its ratification.

Ratified this the 8th day of March, 1943.

H. B. 740

### CHAPTER 681

AN ACT TO AMEND AND EXTEND THE PROVISIONS OF CHAPTER FOUR HUNDRED AND EIGHT, PUBLIC-LOCAL LAWS OF NORTH CAROLINA SESSION ONE THOUSAND NINE HUNDRED AND FIFTEEN, SAME BEING AN ACT TO AUTHORIZE THE COMMISSIONERS OF HENDERSON COUNTY TO LEVY A SPECIAL HOSPITAL TAX.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 408, Public-Local Laws, 1915, reenacted and amended.

SECTION 1. That Section one of Chapter four hundred and eight of the Public-Local Laws of North Carolina, Session one thousand nine hundred and fifteen, be reenacted and is hereby amended by striking out the words "one tenth" in line "five" and inserting in lieu thereof "one half."

Certain acts of Board of Commissioners of Henderson County validated.

SEC. 2. That the provisions of said Act as reenacted and amended in Section one hereof shall apply to the present indebtedness of the Hendersonville Hospital Association and the acts of the Board of Commissioners of Henderson County in levying a tax and contributing to said hospital are hereby validated and approved.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in so far as they are in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 750

### CHAPTER 682

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, PROVIDING FOR TERMS OF THE SUPERIOR COURT IN THE TWELFTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

C. S. 1443 amended.

SECTION 1. The subdivision entitled "Twelfth District" of Section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina, as amended, is amended to read as follows:

## "TWELFTH DISTRICT

"The twelfth district is composed of Guilford County and Davidson County. The Superior Court of Guilford County is composed of two divisions, the Greensboro division and the High Point division; and the Superior Court thereof shall be opened and held at the following times and places, to-wit:

Terms of  
Superior Court  
in Twelfth  
Judicial District.

"In the Greensboro Division at the County Courthouse in Greensboro, for the trial of criminal cases only:

Greensboro  
Division—  
Criminal cases.

"Ninth Monday before the first Monday in March, one week; sixth Monday before the first Monday in March, one week; fourth Monday before the first Monday in March, one week; first Monday in March, one week; third Monday after the first Monday in March, one week; seventh Monday after the first Monday in March, one week; eleventh Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in March, one week; eighth Monday before the first Monday in September, one week; fifth Monday before the first Monday in September, one week; first Monday after the first Monday in September, one week; third Monday after the first Monday in September, one week; sixth Monday after the first Monday in September, one week; eighth Monday after the first Monday in September, three weeks; thirteenth Monday after the first Monday in September, one week; and fifteenth Monday after the first Monday in September, one week.

"In the High Point Division at the County Building in High Point, for the trial of criminal cases only:

High Point  
Division—Crim-  
inal cases.

"Eighth Monday before the first Monday in March, one week; first Monday after the first Monday in March, one week; eighth Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, one week; second Monday after the first Monday in September, one week; seventh Monday after the first Monday in September, one week; and fourteenth Monday after the first Monday in September, one week.

"In the Greensboro Division at the County Courthouse in Greensboro for the trial of civil cases only:

Greensboro  
Division—Civil  
cases.

"Eighth Monday before the first Monday in March, three weeks; second Monday before the first Monday in March, two weeks; second Monday after the first Monday in March, one week; fifth Monday after the first Monday in March, three weeks; thirteenth Monday after the first Monday in March, two weeks; third Monday before the first Monday in September, one week; first Monday before the first Monday in September, two weeks; third Monday after the first Monday in September, three weeks; eleventh Monday after the first Monday in Sep-

tember, two weeks; and thirteenth Monday after the first Monday in September, two weeks.

High Point  
Division—Civil  
cases.

“In the High Point Division at the County Building in High Point, for the trial of civil cases, only:

“Fourth Monday before the first Monday in March, two weeks; third Monday after the first Monday in March, two weeks; tenth Monday after the first Monday in March, two weeks; fourth Monday before the first Monday in September, one week; second Monday after the first Monday in September, one week; and eighth Monday after the first Monday in September, two weeks.

Transfer of  
terms in Guilford  
County.

“Any of the terms of court assigned or provided as above set out to be held in either the Greensboro Division or the High Point Division of the Superior Court of Guilford County may be transferred to, and held in, the other division of the said Superior Court of Guilford County by order of the Governor: Provided, however, that the President of the Greensboro Bar Association and the President of the High Point Bar Association recommend and agree in writing thereto.

Davidson County  
—Criminal cases.

“In Davidson County at the Courthouse in Lexington for the trial of criminal cases only:

“Fifth Monday before the first Monday in March, one week; ninth Monday after the first Monday in March, one week; sixteenth Monday after the first Monday in March, one week; and second Monday before the first Monday in September, one week.

Davidson County  
—Civil cases.

“In Davidson County at the Courthouse in Lexington for the trial of civil cases only:

“Second Monday before the first Monday in March, two weeks; fifth Monday after the first Monday in March, two weeks; twelfth Monday after the first Monday in March, two weeks; first Monday after the first Monday in September, two weeks; and fourth Monday after the first Monday in September, two weeks.

Davidson County  
—Mixed term.

“In Davidson County at the Courthouse in Lexington for the trial of both criminal and civil cases:

“Eleventh Monday after the first Monday in September, two weeks.

Assignment of  
judges.

“If the judge regularly assigned to the district is unable to hold any term as above set out then the Governor shall assign another judge to hold such term.”

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after the first Monday in July, one thousand nine hundred and forty-three. Effective date.

Ratified this the 8th day of March, 1943.

H. B. 762

## CHAPTER 683

AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON AND MUNICIPALITIES THEREIN MADE DURING THE YEARS ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND ONE THOUSAND NINE HUNDRED AND FORTY-TWO AND CONFIRMING SETTLEMENTS AND ADJUSTMENTS OF TAXES HERETOFORE MADE BY THE GOVERNING BODY OF ROBESON COUNTY AND THE GOVERNING BODY OF THE MUNICIPALITIES THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the Tax Collector of Robeson County or of any municipality or taxing district therein, made during the years one thousand nine hundred and forty-one and one thousand nine hundred and forty-two, on any date subsequent to or different from the date prescribed by law and all certificates of sale executed or issued pursuant to and in accordance with such sale, be and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

Certain sales of Tax Collector of Robeson County and municipalities and taxing districts therein, validated.

SEC. 2. That all settlements and adjustments of taxes heretofore made by or under authority of the Board of Commissioners of Robeson County or by or under authority of the governing boards of any municipality in Robeson County, be, and the same are hereby confirmed and validated.

Settlements of taxes by Board of Commissioners, and by governing boards of municipalities of Robeson County validated.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 774

## CHAPTER 684

## AN ACT TO MAKE CERTAIN PROVISIONS WITH RESPECT TO A RECORDER'S COURT IN THE TOWN OF ELKIN.

*The General Assembly of North Carolina do enact:*

Jurisdiction of Recorder's Court of Town of Elkin, if established.

SECTION 1. If and when a Recorder's Court is established in the Town of Elkin as provided by Article eighteen of Chapter twenty-seven of the Consolidated Statutes of North Carolina, as amended, the territory within the jurisdiction of said court shall include the Town of Elkin, Elkin Township, Bryan Township and Marsh Township in the County of Surry.

Appointment of judge and prosecuting attorney.

SEC. 2. If and when a Recorder's Court is established in the Town of Elkin as provided by Article eighteen of Chapter twenty-seven of the Consolidated Statutes of North Carolina, the Mayor and the Board of Commissioners of the Town of Elkin, with the approval of the Board of Commissioners of the County of Surry, immediately after establishing said court, or within thirty days thereafter, shall appoint a recorder and a prosecuting attorney who shall hold office until the first Monday in May, next following the date of their appointment and until their successors are duly appointed and qualified. Each succeeding recorder and prosecuting attorney shall be appointed by the Mayor and the Board of Commissioners of the Town of Elkin, with the approval of the Board of Commissioners of the County of Surry, and shall serve for a term of two years and until their successors are duly appointed and qualified; and any vacancy occurring in either office shall be filled in the same manner for the unexpired term.

Salary of recorder and prosecuting attorney.

SEC. 3. If and when a Recorder's Court is established in the Town of Elkin as provided by article eighteen of Chapter twenty-seven of the Consolidated Statutes of North Carolina, as amended, and a recorder and prosecuting attorney has been appointed as provided in Section two of this Act, the salary of the recorder shall be nine hundred dollars (\$900.00) per annum, and the salary of the prosecuting attorney shall be nine hundred dollars (\$900.00) per annum, which amounts shall be paid from the general fund of the County of Surry by the board of commissioners of said county in monthly installments payable on the first day of each month: Provided, however, that the Mayor and the Board of Commissioners of the Town of Elkin, in their discretion, are hereby authorized to supplement the salary of either the recorder or prosecuting attorney, or both, from the funds of the town.

To be paid from general fund of Surry County.

Authorization to supplement salaries from town funds.

Costs to be paid to Surry County.

SEC. 4. If and when a Recorder's Court is established in the Town of Elkin as provided by Article eighteen of Chapter twenty-seven of the Consolidated Statutes of North Carolina, as amended, all costs taxed as recorder's fees and fees of the

prosecuting attorney in all cases, shall be paid into the treasury of Surry County to reimburse said county for the salaries of the recorder and prosecuting attorney. In case the costs so paid into the treasury of Surry County shall be in excess of an amount equal to that expended for the salaries of said recorder and prosecuting attorney, the excess shall be paid into the general fund of the county.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 776

### CHAPTER 685

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATIVE TO THE CIVIL SERVICE COMMISSION OF THE CITY OF WILMINGTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section seven of Chapter two hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and forty-one is hereby amended by striking out in line nine after the word "department" and before the word "All" in line eleven the following words: "except upon application and examination as provided for all other applicants for positions with said departments," and substituting in lieu thereof the following words: "if charged with moral turpitude, otherwise, the demotion by the civil service commission of either the chief of the fire department or police department, such officer shall thereupon remain a member of said department with the same grade and rank of office that he held or enjoyed prior to his appointment as chief of said department."

Sec. 7, Ch. 223, Public Local Laws, 1941, relative to Civil Service Commission of City of Wilmington, amended.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 780

## CHAPTER 686

AN ACT PROVIDING FOR TAX SALES ON DELINQUENT TAXES FOR THE YEARS ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, ONE THOUSAND NINE HUNDRED AND FORTY, ONE THOUSAND NINE HUNDRED AND FORTY-ONE AND ONE THOUSAND NINE HUNDRED AND FORTY-TWO IN THE TOWN OF GARYSBURG.

*The General Assembly of North Carolina do enact:*

Provision for sale of land for certain taxes by Town of Garysburg.

SECTION 1. The Governing Body of the Town of Garysburg, Northampton County, may, by proper resolution, order the tax collecting officer, or such other person as it may designate, to advertise in the manner provided by law and sell all land for taxes for the years one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, one thousand nine hundred and forty-one and one thousand nine hundred and forty-two levied by said town, and for any and all other years, which land has not heretofore been legally sold for failure to pay said taxes. The sale or sales herein authorized shall be held not later than the first Monday in July, one thousand nine hundred and forty-three, and certificates of sale shall be issued in accordance with and pursuant to said sale or sales in the same manner as if said sale or sales had been held and conducted on the proper day during the year in which said taxes were required to have been sold. Any sales held and conducted under the provisions of this Act, and all certificates issued pursuant to said sales, shall be, and the same are hereby, approved, confirmed and validated and shall have the same force and legal effect as if said sales had been held and conducted on the date prescribed by law.

When sales to be held.

Issuance of certificates.

Such sales and certificates issued pursuant thereto validated.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 783

## CHAPTER 687

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE TERMS OF SUPERIOR COURT OF NASH COUNTY.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 201, Public Laws, 1935, amended.

SECTION 1. Amend Section two of Chapter two hundred and one of the Public Laws of one thousand nine hundred and thirty-five by adding the following:

“Provided, that any term of said court may be canceled by the Board of Commissioners of Nash County when in the opinion of the Clerk of the Superior Court of Nash County and the resident judge of the second judicial district sufficient cause exists for the cancellation of said term.”

Cancellation of terms of Superior Court in Nash County.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 785

### CHAPTER 688

#### AN ACT TO APPLY CERTAIN DELINQUENT TAXES OF CARTERET COUNTY TO DEBT SERVICE PURPOSES.

WHEREAS, Carteret County is, and for several years past has been, heavily indebted, evidenced principally by outstanding interest-bearing bonds; and

Preamble:  
Carteret County heavily indebted.

WHEREAS, under a refinance plan formerly adopted, approved and now in operation in said county, the debt service fund is required to be maintained within certain minimum requirements; and

Minimum requirements as to debt service fund.

WHEREAS, it has been found and determined as a fact that the general financial condition of the county is now such as to permit and justify the making of provision for an increase of the aforesaid debt service fund: Now, therefore,

Increase in debt service fund justified.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all outstanding taxes, real, personal and poll, heretofore levied by the Commissioners of Carteret County for the taxable years one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven and one thousand nine hundred and thirty-eight, which shall not have been paid prior to March first, one thousand nine hundred and forty-three, thereafter shall be dedicated to the cause and purpose of the debt service fund of Carteret County; and the county accountant or auditor shall account for, or cause to be accounted for, all tax collections that after March first, one thousand nine hundred and forty-three, shall or may be made or had on any and all delinquent taxes for the said years in question, one thousand nine hundred and thirty-five to one thousand nine hundred and thirty-eight, both inclusive, whether the same may be evidenced by outstanding certificates, judgments or other record liens of any kind, and shall make due and proper application of the same to the aforesaid debt service fund, and when and after

Certain delinquent taxes to be applied to debt service fund.

such allocation of funds shall have been made, the same thereafter shall remain appropriated for and dedicated wholly and exclusively to such debt service fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 786

CHAPTER 689

AN ACT TO EXEMPT JOHNSTON COUNTY FROM THE OPERATION OF SECTION ONE THOUSAND FOUR HUNDRED AND SIXTY-ONE OF THE CONSOLIDATED STATUTES, AS AMENDED.

*The General Assembly of North Carolina do enact:*

C. S. 1461 amended.

SECTION 1. Section one thousand four hundred and sixty-one of the Consolidated Statutes, as amended, is hereby further amended by adding the following at the end of the first paragraph of said section:

Compensation of court stenographer in Johnston County.

“Provided further, that the compensation of said stenographer in Johnston County shall not be limited to the maximum provided in this section, but shall be fixed in the discretion of the Board of County Commissioners of Johnston County.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 788

CHAPTER 690

AN ACT APPOINTING H. L. FISHER TO FILL A VACANCY ON THE BOARD OF COMMISSIONERS OF THE TOWN OF MOUNT PLEASANT TO SUCCEED S. R. McEACHERN, RESIGNED.

*The General Assembly of North Carolina do enact:*

Appointment of H. L. Fisher as member of Board of Commissioners of Town of Mount Pleasant.

SECTION 1. That H. L. Fisher be, and he is hereby, appointed as a member of the Board of Commissioners of the Town of Mount Pleasant to fill the unexpired term of S. R. McEachern, who has heretofore resigned as commissioner of said town.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 792

CHAPTER 691

AN ACT TO EMPOWER THE COMMISSIONERS OF THE TOWN OF WILSON, NORTH CAROLINA TO ADJUST PAST DUE ASSESSMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of the Town of Wilson, North Carolina, are hereby empowered to compromise and/or adjust past due accounts for paving and sidewalk assessments owing said town on such terms as to them may appear just and equitable. Compromise of certain past due assessments of Town of Wilson.

SEC. 2. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 795

CHAPTER 692

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON, CHANGING THE CORPORATE NAME THEREOF TO CITY OF MORGANTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Charter of the Town of Morganton, North Carolina, being Chapter one hundred and four of the Private Laws of one thousand nine hundred and thirteen, and amendments thereto, be amended by striking out of line four, Section one, Article one, the words, "Town of Morganton," and substituting in lieu thereof the words, "City of Morganton," and by substituting as the corporate name thereof the words "City of Morganton" for the corporate name so adopted in said charter and amendments thereto. Ch. 104, Private Laws, 1913, amended.  
  
Name of Town of Morganton changed to "City of Morganton."

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 796

## CHAPTER 693

AN ACT TO PROVIDE A HOG CHOLERA PREVENTION PROGRAM FOR TYRRELL AND HYDE COUNTIES, AND TO PERMIT THE SALE AND USE OF HOG CHOLERA VACCINE THEREFOR.

*The General Assembly of North Carolina do enact:*

Appointment of hog vaccinators in Tyrrell and Hyde Counties.

SECTION 1. The Boards of Commissioners in Tyrrell and in Hyde Counties are authorized, in their discretion, to appoint in their respective counties one or more persons who have been recommended by their respective county farm agents, to serve as hog vaccinators under the supervision and direction of the county farm agent of the county in which they are appointed. To be qualified for appointment, a person must be trained and competent in all phases of hog cholera prevention. The Boards of Commissioners in Tyrrell and in Hyde Counties shall have authority to revoke, in their discretion, any appointment made under the authority of this Act in their respective counties.

Qualifications.

Revocation of appointments.

Sale, distribution, etc., of hog cholera serum by such vaccinators.

SEC. 2. The Boards of Commissioners in Tyrrell and in Hyde Counties shall grant to the vaccinators appointed in their respective counties permission in writing to purchase, distribute, sell or use, in their respective counties, any vaccine, virus or serum for the prevention of hog cholera manufactured in conformity with the provisions of Section four thousand eight hundred and seventy-nine of the Consolidated Statutes, and it shall be lawful for such vaccinators to purchase, distribute, sell or use such vaccine, virus or serum.

Application to have hogs vaccinated.

SEC. 3. Any producer of hogs may apply to a vaccinator appointed to serve in his county, and it shall be the duty of the vaccinator to vaccinate his hogs upon the payment of a fee set by the county farm agent and approved by the county commissioners. Such fee must not be discriminatory, but it shall allow the vaccinator a reasonable profit. All hogs vaccinated must be kept isolated in lots or pens for twenty-one days from the date of vaccination.

Fee.

Isolation of vaccinated hogs.

Records by vaccinators.

SEC. 4. Each vaccinator appointed under this Act shall keep a record of the amount of vaccine, virus or serum purchased by him, the number of hogs vaccinated and the fees collected. Quarterly, he shall file a report thereof to the county agent, who shall keep such reports on permanent file in his office. On the first Monday of each December, the county farm agent shall make a report to the board of county commissioners, in which he shall incorporate the data on record in his office concerning the hog cholera prevention program. Such report shall be spread upon the minutes of the board.

Quarterly reports to county agent.

Report by county agent.

SEC. 5. In so far as they are in conflict with this Act, Sections four thousand four hundred and ninety-two and four thousand eight hundred and seventy-nine of the Consolidated Statutes of one thousand nine hundred and nineteen, and Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and thirty-nine, shall not apply to any person in Tyrrell County or in Hyde County purchasing, distributing, selling or using vaccine, virus or serum for the prevention of hog cholera under the authority of this Act.

C. S. 4492, C. S. 4879, and Ch. 360, Public Laws, 1939, not applicable in certain respects.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 797

## CHAPTER 694

### AN ACT TO ABOLISH THE OFFICE OF TREASURER OF RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the office of Treasurer of Rutherford County is hereby abolished.

Office of Treasurer of Rutherford County abolished.

SEC. 2. The Board of Commissioners of Rutherford County is hereby authorized, empowered and directed to select and designate annually, by recorded resolution, some bank, banks, or trust companies in Rutherford County as an official depository or depositories of the funds of the county, which funds shall be secured in accordance with Section thirty-two of Chapter sixty of the Public Laws of one thousand nine hundred and thirty-one, as amended.

Board of Commissioners directed to select depository for county funds.

Security of funds.

SEC. 3. Every officer and employee of Rutherford County whose duty it is to collect or receive any tax funds or moneys belonging to said county or subdivisions thereof, shall deposit the same in the bank, banks, or trust companies designated by the board of county commissioners, in the name of the county and of the fund to which it is applied, and shall report the same daily to the county accountant by means of duplicate deposit tickets signed by the depository; and all public officers and employees of the county collecting fines, fees, forfeitures and any and all other public funds except tax funds, shall, at least once a month, deposit such fines, fees, forfeitures or other funds collected by them in the banks or depositories designated by the board of county commissioners, in the same manner as the public officials and employees of the county collecting tax funds are required to deposit the funds collected by them.

Officers and employees to deposit County funds in such depository.

Reports to County Accountant.

Other fees, public funds, etc., to be deposited in said depository.

County accountant or auditor authorized to receive certain funds.

The county accountant, or county auditor, is hereby authorized and directed to collect or receive and deposit money belonging to the County of Rutherford or a subdivision thereof which no other officer or employee is authorized by law to so collect or receive.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

## H. B. 802

## CHAPTER 695

### AN ACT REGULATING THE PAYMENT OF WITNESS FEES TO SALARIED OFFICERS IN LENOIR COUNTY.

*The General Assembly of North Carolina do enact:*

Payment of witness fees to salaried law enforcement officers in Lenoir County in certain cases.

SECTION 1. That all township constables, deputy sheriffs, and police officers in Lenoir County, who are now or may hereafter be paid a salary for their services, shall, in addition to such salary, be entitled to receive witness fees in criminal cases tried in the Superior Court of Lenoir County in which said officers are subpoenaed and testify as witnesses where the costs are taxed against the defendant and actually paid or caused to be paid by the defendant.

C. S. C. of Lenoir County authorized to make such payments.

SEC. 2. That the Clerk of the Superior Court of Lenoir County is authorized and empowered to pay said township constables, deputy sheriffs, and police officers the fees provided for in Section one of this Act.

Payment of certain funds now in hands of C. S. C. for witness fees for such officers.

SEC. 3. That the Clerk of the Superior Court of Lenoir County is further authorized and empowered to pay any funds now in his hands collected as witness fees on account of the attendance of the various officers at the criminal terms of the Superior Court of Lenoir County, and which have not heretofore been paid into the general fund of the county, to the officers in whose names said witness fees were collected and who would have been entitled to said fees under the provisions of Section one of this Act.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 808

## CHAPTER 696

AN ACT TO FIX THE COMPENSATION OF THE BOARD  
OF COMMISSIONERS OF BRUNSWICK COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. Members of the Board of Commissioners of Brunswick County shall receive as compensation for their services and expenses in attending regular meetings of the board a per diem of seven dollars (\$7.00), and mileage at the rate of five cents (5¢) per mile going to and returning from each meeting: Provided, that compensation shall not be paid commissioners for more than two regular meetings in any one month. For attending special meetings of the board, they shall receive a per diem of two dollars (\$2.00) and mileage at the rate of five cents (5¢) per mile going to and returning from each meeting.

Compensation of  
Board of Com-  
missioners of  
Brunswick  
County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 816

## CHAPTER 697

AN ACT RELATING TO THE FEES COLLECTED BY THE  
CLERK OF THE SUPERIOR COURT OF CARTERET  
COUNTY BY AMENDING SECTION THREE THOUSAND  
NINE HUNDRED AND THREE OF THE CONSOLI-  
DATED STATUTES OF ONE THOUSAND NINE HUN-  
DRED AND NINETEEN, AND AS AMENDED.*The General Assembly of North Carolina do enact:*

SECTION 1. That the last paragraph immediately preceding the first proviso in Section three thousand nine hundred and three of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be, and the same is hereby, further amended by striking out the words "three per cent" and the words "one per cent" in said paragraph of said section, and inserting in lieu thereof "five per cent."

C. S. 3903, relat-  
ing to fees of  
C. S. C., amended.

SEC. 2. This Act shall only apply to the office of the Clerk of the Superior Court of Carteret County.

Application of  
Act.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 817

## CHAPTER 698

## AN ACT RELATING TO THE SALARY OF THE SURVEYOR OF CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

Salary of Surveyor of Carteret County.

SECTION 1. The Board of County Commissioners of Carteret County is hereby authorized and empowered to pay to the Surveyor of Carteret County an annual salary of one hundred and twenty dollars (\$120.00) per year, to be paid in twelve equal monthly installments, the said salary of one hundred and twenty dollars (\$120.00) per year to be in addition to any fees or other compensation which the said surveyor is now receiving for the performance of the duties of his office.

In addition to fees.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 818

## CHAPTER 699

## AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND FORTY-THREE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO THE TERMS OF THE SUPERIOR COURTS, SO AS TO CHANGE THE TERMS IN FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 1443 amended.

SECTION 1. Section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina, as amended by Chapter one hundred and eighty-nine of the Public Laws of one thousand nine hundred and forty-one and other Acts, relating to the terms of Superior Courts of the various counties, is hereby further amended by rewriting the portion thereof that applies to Franklin County to read as follows:

Terms of Superior Court in Franklin County.

“Franklin—Eighth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases only; fourth Monday before the first Monday in March, to continue for one week for the trial of criminal cases only; first Monday in March, to continue for two weeks for the trial of civil cases only; fifth Monday after the first Monday in March to continue for one week for the trial of criminal cases only; first Monday after the first Monday in September, to continue for one week for the trial of civil cases only; fifth Monday after the first Monday in September, to continue for one week for the trial of criminal cases only; ninth Monday after the first Monday in

September to continue for two weeks for the trial of civil cases only.

“The courts provided in the above paragraph shall be held by the judge regularly riding the seventh judicial district.

“At all criminal terms provided for in the second preceding paragraph, all motions and divorce cases may be heard, and, by consent, jury trials in all civil cases may be heard at said criminal terms.”

Certain civil matters heard at criminal terms.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 8th day of March, 1943.

H. B. 819

CHAPTER 700

AN ACT TO AMEND SECTION TWO OF CHAPTER TWENTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO THE APPOINTMENT OF THE BOARD OF EDUCATION FOR THE LEXINGTON CITY ADMINISTRATIVE UNIT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-five be, and the same hereby is, amended by rewriting said section to read as follows:

Sec. 2, Ch. 26, Private Laws, 1935, rewritten.

“SEC. 2. Members of board; appointment. The Board of Education of the Lexington City Administrative Unit shall be composed of six members, who shall be appointed by the Board of Aldermen of the City of Lexington. On the first Monday in March, one thousand nine hundred and forty-three, and biennially thereafter on the first Monday in March, the board of aldermen shall appoint one member to the board of education from each of the five wards of the City of Lexington, and one member from the territory outside the corporate limits of the City of Lexington, but within the school district comprising the Lexington City Administrative Unit, who shall serve for a term of two years or until their successors are appointed and qualified. All vacancies occurring on said board shall be filled for the unexpired term by the Board of Aldermen of the City of Lexington.”

Board of Education of Lexington City Administrative Unit.

Appointment.

Residence.

Term.

Vacancies.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 821

CHAPTER 701

AN ACT RELATING TO THE BOARD OF TRUSTEES OF  
THE HAYWOOD COUNTY HOSPITAL.

*The General Assembly of North Carolina do enact:*

Board of Trustees  
of Haywood  
County Hospital.

Number of  
members.

Appointment.

Term.

SECTION 1. From and after the first Monday in December, one thousand nine hundred and forty-four, the Board of Trustees of the Haywood County Hospital shall consist of three members. On the first Monday in December, one thousand nine hundred and forty-four, and biennially thereafter, the Board of County Commissioners of Haywood County shall appoint the members of said board of trustees whose term of office shall be for two years and until their successors are appointed and qualified.

Compensation.

SEC. 2. Effective December first, one thousand nine hundred and forty-four, the members of the Board of Trustees of the Haywood County Hospital shall receive as compensation for their services the sum of six dollars (\$6.00) per meeting actually attended in the performance of their duties, not to exceed one meeting during each calendar month, to be paid from the general fund of Haywood County.

Vacancies.

SEC. 3. In case of vacancies in the membership of said board of trustees caused by death, resignation or otherwise, the Board of County Commissioners of Haywood County is authorized and empowered to fill such vacancies for the unexpired term.

Term of present  
members.

SEC. 4. The present members of the Board of Trustees of the Haywood County Hospital shall continue in office until the first Monday in December, one thousand nine hundred and forty-four.

Conflicting laws  
repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 825

## CHAPTER 702

## AN ACT TO EXTEND THE POLICE POWER OF THE TOWN OF MOORESVILLE TO OUTSIDE TERRITORY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All ordinances, rules, and regulations of the Town of Mooresville now in force, or that may hereafter be enacted by the Governing Body of the Town of Mooresville in the exercise of the police powers given to it for sanitary purposes or for the protection of the property, real and/or personal, of the town, shall, in addition to applying to the territory within the corporate limits of the Town of Mooresville, apply with equal force to the territory outside of the corporate limits of said town within two miles in all directions of same, and to the rights of way of all water, sewer, and electric light lines of the town without the corporate limits, and upon all property and rights of way of the Town of Mooresville outside the corporate limits and the above mentioned territorial limits, wheresoever the same may be located.

Application of police power of Town of Mooresville beyond corporate limits.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 828

## CHAPTER 703

## AN ACT TO AMEND CHAPTER FOUR HUNDRED AND EIGHTY-THREE OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE SALARIES OF PUBLIC OFFICERS IN GRANVILLE COUNTY, THEIR ASSISTANTS, DEPUTIES AND STENOGRAPHERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section two of Chapter four hundred and eighty-three of the Public-Local and Private Laws of North Carolina of the Session of one thousand nine hundred and thirty-five be, and the same is, hereby repealed, and the following is enacted in lieu thereof:

Sec. 2, Ch. 483, Public-Local and Private Laws, 1935, rewritten.

"SEC. 2. The Sheriff of Granville County may appoint a jailer whose salary shall be fixed by the board of county commissioners of said county, to be paid by the county monthly: Provided, this section shall not prevent the payment to said jailer for feeding of prisoners of such sums and at such rates as may be fixed by said board of commissioners."

Appointment of jailer of Granville County.

Compensation for feeding prisoners.

Sec. 4, amended.

SEC. 2. That the second paragraph of Section four of said Chapter four hundred and eighty-three of the Public-Local and Private Laws of the Session of one thousand nine hundred and thirty-five be, and the same is, hereby repealed, and the following is enacted in lieu thereof:

Appointment of assistant or deputies by C. S. C. of Granville County.

“The Clerk of the Superior Court of Granville County may be allowed to appoint an assistant or deputy clerk subject to the provisions of the general law as to the appointment, qualifications, powers and duties of assistants or deputy clerks, who shall be paid by the county for his or her services a salary to be fixed by the board of commissioners of said county. The board of county commissioners may authorize the clerk of the Superior Court to appoint an additional deputy or deputy clerks or stenographer or stenographers who shall be paid by the county for his or her services a salary to be fixed by the Board of Commissioners of Granville County; and if said clerk of the Superior Court shall appoint a deputy or deputy clerks as herein allowed, said deputy or deputies shall possess all the powers and duties conferred, and be subject to all the liabilities imposed upon deputy clerks by the general law.”

Compensation.

Additional deputies or stenographers.

Powers and duties of deputies, if appointed.

Sec. 6 rewritten.

SEC. 3. That Section six of said Chapter four hundred and eighty-three of the Public-Local and Private Laws of the Session of one thousand nine hundred and thirty-five be, and the same is, hereby repealed, and the following is enacted in lieu thereof:

Appointment of deputy or stenographer by Register of Deeds.

“SEC. 6. The Register of Deeds of Granville County may be allowed to appoint a deputy or stenographer who shall be paid by the county for his or her services a salary to be fixed by the board of commissioners of said county; and if said register of deeds shall appoint a deputy as herein allowed, said deputy shall possess all the powers and duties conferred upon and be subject to all the liabilities imposed upon deputy registers of deeds by the general law: Provided, that nothing herein contained shall alter or affect the provisions of Chapter two hundred and twenty-four of the Public-Local and Private Laws of the Session of one thousand nine hundred and thirty-seven.”

Compensation.

Powers and duties of deputy, if appointed.

Ch. 224, Public-Local and Private Laws, 1937, not affected.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 830

## CHAPTER 704

## AN ACT TO PROVIDE FOR THE BURIAL OF INDIGENTS DYING IN GUILFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of County Commissioners of Guilford County is authorized, empowered and directed in its discretion to appropriate out of the general funds of Guilford County the sum of not more than forty dollars (\$40.00) to provide for the burial of any indigent dying within said county, and whose estate, or whose relatives are unable to provide for the burial of said indigent, and whose burial has not been otherwise provided for.

Appropriations for burial of indigent persons in Guilford County authorized.

SEC. 2. That the expenditures of all funds of Guilford County heretofore made by the board of commissioners of said county for the burial of persons herein enumerated be and the same are hereby confirmed and ratified.

Expenditures heretofore made for such purpose ratified.

SEC. 3. That this Act shall apply only to Guilford County.

Application of Act.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

H. B. 839

## CHAPTER 705

## AN ACT TO FIX THE PENALTY ON DELINQUENT TAXES IN CAMDEN COUNTY AT SIX PER CENT PER ANNUM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in Camden County, the penalty on taxes which shall be unpaid and delinquent on the first day of February in any year shall be at the rate of one half of one per cent per month, and said penalty on such delinquent taxes shall continue at said rate after a certificate of tax sale shall have been issued for the tax lien on real property of any delinquent taxpayer, and until such delinquent taxes shall have been paid. This Act shall be applicable to all outstanding certificates of tax sale which are held by Camden County and such as may hereafter be issued.

Penalty on delinquent taxes in Camden County.

SEC. 2. That any settlements for penalties on taxes heretofore made by the Board of Commissioners of Camden County are hereby validated and confirmed.

Settlements heretofore made for penalties on taxes validated.

SEC. 3. That all laws and parts of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. B. 154

CHAPTER 706

AN ACT CONFERRING EMERGENCY WAR POWERS UPON THE GOVERNOR TO PROTECT THE LIVES AND PROPERTY OF THE PEOPLE OF THE STATE AND PROMOTE THE SECURITY OF THE STATE AND NATION DURING THE EXISTING STATE OF WAR.

*The General Assembly of North Carolina do enact:*

SECTION 1. Short title.

Title of Act.

This Act may be cited as the "North Carolina Emergency War Powers Act."

SEC. 2. Emergency War Powers of the Governor.

Emergency war powers of Governor.

Upon his own initiative, or on the request or recommendation of the President of the United States, the Army, Navy or any other branch of the armed forces of the United States, the Federal Director of Civilian Defense, or any other Federal officer, department or agency having duties and responsibilities related to the prosecution of the war or the health, welfare, safety and protection of the civilian population, whenever in his judgment any such action is in the public interest and is necessary for the protection of the lives or property of the people of the State, or for the defense and security of the State or nation, or for the proper conduct of the war and the successful prosecution thereof, the Governor may, with the approval of the Council of State, at any time and from time to time during the existing state of war:

Approval of Council of State.

Formulation and execution of plans.

(a) Formulate and execute plans for:

For mobilization, distribution, etc., of food, clothing, labor, etc.

(1) the inventory, mobilization, conservation, distribution or use of food, fuel, clothing and other necessities of life and health, and of land, labor, materials, industries, facilities and other resources of the State necessary or useful in the prosecution of the war;

For organization and coordination of civilian defense.

(2) organization and coordination of civilian defense in the State in reasonable conformity with the program of civilian defense as promulgated from time to time by the Office of Civilian Defense of the Federal Government; and, further, to effectuate such plans for civilian defense in such manner as to promote and assure the security, protection and mobilization of the civilian population of the State for the duration of the war and in the interest of State and national defense.

(b) Order and carry out blackouts, radio silences, evacuations and all other precautionary measures against air raids or other forms of enemy action, and suppress or otherwise control any activity which may aid or assist the enemy.

Order blackouts, etc.

Suppression of activities which may aid enemy.

(c) Mobilize, coördinate and direct the activities of the police, firefighting, health, street and highway repair, public utility, medical and welfare forces and services of the State, of the political subdivisions of the State, and of private agencies and corporations, and formulate and execute plans for the interchange and use of such forces and services for the mutual aid of the people of the State in cases of air raid, sabotage or other enemy action, fire, flood, famine, violence, riot, insurrection, or other catastrophe or emergency.

Mobilization and direction of police, firefighting, public utility, medical, etc., services.

Of governmental and private agencies.

(d) Prohibit, restrict, or otherwise regulate and control the flow of vehicular and pedestrian traffic, and congregation of persons in public places or buildings, lights and noises of all kinds and the maintenance, extension and operation of public utility and transportation services and facilities.

Regulation of traffic, congregation of persons, etc.

(e) Accept, or authorize any officer or department of the State to accept, from the Federal Government or any Federal agency or instrumentality, or from any other source, grants of funds and grants or loans of equipment, materials, supplies or other property for war or defense purposes, subject to the terms and conditions appertaining to such grants and loans.

Acceptance of grants, loans of equipment, etc., for war or defense purposes.

(f) Authorize any department or agency of the State to lease or lend to the Army, Navy or any other branch of the armed forces of the United States, any real or personal property of the State upon such terms and conditions as he may impose, or, on behalf of the State, to make a contract directly therefor.

Lending or leasing of State property to Armed Forces.

(g) Authorize the temporary transfer of personnel of the State for employment by the Army, Navy or any other branch of the armed forces of the United States and fix the terms and conditions of such transfers.

Temporary transfer of State personnel for employment by Armed Forces.

(h) At any time when the General Assembly is not in session, suspend, or modify, in whole or in part, generally or in its application to certain classes of persons, firms, corporations or circumstances, any law, rule or regulation with reference to the subjects hereinafter enumerated, when he shall find and proclaim after such study, investigation or hearing as he may direct, make or conduct, that the operation, enforcement or application of such law, or any part thereof, materially hinders, impedes, delays or interferes with the proper conduct of the war; said subjects being as follows:

Suspension or modification of certain laws when General Assembly not in session.

Certain findings necessary.

(1) The use of the roads, streets and highways of the State, with particular reference to speed limits, weights and sizes of motor vehicles, regulations of automobile lights and signals,

Use of State roads and highways.

transportation of munitions or explosives and parking or assembling of automobiles on highways or any other public place within the State; provided that any changes in the laws referred to in this subsection shall be first approved by the State Highway and Public Works Commission and the Commissioner of Motor Vehicles of the State.

Approval of State Highway and Public Works Commission and Commissioner of Motor Vehicles.

Public health.

(2) Public health, in so far as suspension or modification of the laws in reference thereto may be stipulated by the United States Public Health Service or other authoritative agency of the United States Government as being essential in the interest of national safety and in the successful prosecution of the war effort; provided that such suspension or modification of public health laws shall first be submitted to and approved by the State Board of Health.

Approval by State Board of Health.

Labor and industry.

(3) Labor and industry; provided, however, that any suspension or modification of laws regulating labor and industry shall be only such as are certified by the Commissioner of Labor of the State as being necessary in the interest of national safety and in the furtherance of the war program; and provided further that any such changes as may result in an increase in the hours of employment over and above the limits of the existing statutory provisions shall carry provision for adequate additional compensation; and provided, further, that no changes in such laws or regulations shall be made as affecting existing contracts between labor and management in this State except with the approval of the contracting parties.

Certification by Commissioner of Labor.

Additional compensation for increased hours of labor.

Changes in laws affecting contracts between labor and management.

Mobilization of State Militia in certain instances.

(4) Whenever it should be certified by the Adjutant General of the State that emergency conditions require such procedure, the Governor, with the approval of the Council of State, shall have the power to call up and mobilize State Militia in addition to the existing units of the State Guard; to provide transportation and facilities for mobilization and full utilization of the State Guard, or other units of militia, in such emergency, and to allocate from the Contingency and Emergency Fund such amounts as may be necessary for such purposes during the period of such emergency.

Transportation for State Guard and militia.

Allocation of funds therefor.

Sale, use, etc., of fireworks, explosives and firearms.

(5) Manufacture, sale, transportation, possession and use of explosives or fireworks, or articles in simulation thereof, and the sale, use and handling of firearms.

Cooperation with other governmental agencies.

(i) Coöperate with agencies established by or pursuant to the laws of the United States and the several states for civilian protection and the promotion of the war effort, and coördinate and direct the work of the offices and agencies of the State having duties and responsibilities directly connected with the war effort and the protection of the civilian population.

Direction of work of State agencies having duties connected with war effort.

(j) Aid in the administration and enforcement in this State of any rationing, freezing, price-fixing or other similar order or regulation duly promulgated by any Federal officer or agency under or pursuant to the authority of any Act of Congress or of any order or proclamation of the President of the United States, by making temporarily available personnel and facilities of the State to assist in the administration thereof and/or by adopting and promulgating in this State an order or regulation substantially embodying the provisions of such Federal order or regulation, filing the same in the office of the Secretary of State, prescribing the penalties for the violation thereof, and specifying the State and local officers and agencies to be charged with the enforcement thereof.

Aiding in administration and enforcement of rationing, price-fixing, etc.

Adoption of regulations thereof.

(k) Formulate and execute plans and adopt rules for:

Formulation and execution of plans.

(1) the organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers and such other services and facilities as may be necessary for the prompt and accurate reception and transmission of air raid warnings and signals;

For organization and operation of aircraft warning services, etc.

(2) the organization, recruiting, training, equipment, identification, conduct, powers, duties, rights, privileges and immunities of air raid wardens, auxiliary police, auxiliary firemen and of the members of all other auxiliary defense and civilian protection forces and agencies.

For organization, training, etc., of civilian defense workers.

(l) Adopt, promulgate, publicize and enforce such orders, rules and regulations as may be necessary for the proper and effective exercise of the powers granted by this Act, and amend or rescind the same.

Adoption and enforcement of rules to effectuate this Act.

(m) Hold and conduct hearings, administer oaths and take testimony, issue subpoenas to compel the attendance of witnesses and the production of revelant books, papers, records or documents, in connection with any investigation made by him under the authority of this Act.

Conduct hearings, take testimony, issue subpoenas, etc., for certain purposes.

### SEC. 3. Orders, rules and regulations.

Orders, rules and regulations.

All orders, rules and regulations promulgated by the Governor pursuant to this Act shall have the full force and effect of law from and after the date of the filing of a duly authenticated copy thereof in the office of the Secretary of State. All laws, ordinances, rules and regulations, in so far as they are inconsistent with the provisions of this Act or of any rule, order or regulation made pursuant to this Act, shall be suspended during the period of time and to the extent that such conflict exists. A violation of any such order, rule or regulation, unless otherwise provided therein, shall be deemed a misdemeanor and punishable as such.

Orders, etc., of Governor promulgated hereunder to have effect of law.

Suspension of laws in conflict with rules made hereunder.

Violation made misdemeanor.

Immunity.

## SEC. 4. Immunity.

Neither the State nor any political subdivision thereof, nor the agents or representatives of the State or any political subdivision thereof, under any circumstances, nor any individual, firm, partnership, corporation or other entity, or any agent thereof, in good faith complying with or attempting to comply with any order, rule or regulation made pursuant to this Act, shall be liable for the death of or any injury to persons or for any damage to property as the result of any air raid, invasion, act of sabotage, or other form of enemy action, or of any action taken under this Act or such order, rule or regulation. This section shall not be construed to impair or effect the right of any person to receive any benefits or compensation to which he may otherwise be entitled under Workmen's Compensation law, any pension law, or any other law, or any Act of Congress, or any contract of insurance or indemnification.

Immunity of persons acting in good faith hereunder.

Federal action controlling.

## SEC. 5. Federal action controlling.

All action taken under this Act and all orders, rules and regulations made pursuant thereto in any field or with respect to any subject matter over which the Army or Navy or any other department or agency of the United States Government has duly taken jurisdiction shall be taken or made with due consideration to the orders, rules, regulations, actions, recommendations and requests of such department or agency and shall be consistent therewith. Blackouts, radio silences and evacuations shall be carried out only in such areas, at such times, and for such periods as shall be designated by air raid warnings or orders with respect thereto issued by the United States Army, or its duly designated agency, and only under such conditions and in such manner as shall be consistent with such warning or order, and practice blackouts shall be held only when and as authorized by the United States Army or its duly designated agency.

Consideration to be given orders, recommendations of Army and Navy in certain instances.

Control over blackouts, etc., by Army.

## SEC. 6. Construction.

This Act shall be construed liberally to effectuate its purposes.

Construction of Act.

## SEC. 7. Severability.

If any provision of this Act or of any order, rule, regulation, suspension, modification or other action made or taken pursuant to this Act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

Partial invalidity section.

## SEC. 8. Duration.

This Act shall be in full force and effect while the existing state of war continues with any foreign power and for six

Duration.

Time Act effective.

months thereafter, or until the convening of the next General Assembly, and none of the powers herein granted shall be thereafter exercised and no contract, order, rule or regulation made or other action taken pursuant to this Act shall thereafter be enforceable or effective, except for the performance of an obligation theretofore incurred thereunder or the prosecution of an act theretofore committed in violation thereof.

SEC. 9. Effective date.

This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 261

CHAPTER 707

AN ACT TO APPOINT A COMMISSION TO PRESERVE  
THE BIRTHPLACE OF ANDREW JOHNSON IN  
RALEIGH, NORTH CAROLINA.

WHEREAS, Andrew Johnson, the seventeenth President of the United States was born in the City of Raleigh in the year one thousand eight hundred and eight; and

Preamble:  
Andrew Johnson  
born in City of  
Raleigh.

WHEREAS, Andrew Johnson, long neglected by American historians, is now coming to be understood and appreciated as a leader of courage, high purpose, and determination; and

Johnson becoming  
more appreciated.

WHEREAS, the house in which Andrew Johnson was born is now preserved in Pullen Park in the City of Raleigh; and

House in which  
Johnson was born  
is now in Raleigh.

WHEREAS, it will be fitting and proper for a protective structure to be erected around and over this house to preserve it for future generations: Now, therefore,

Proper for house  
to be preserved.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a commission consisting of Honorable Josephus Daniels, former Secretary of the United States Navy, as honorary chairman, the Secretary of the North Carolina Historical Commission ex officio, the President of the North Carolina Society for the Preservation of Antiquities ex officio, and not exceeding nine additional members to be appointed by the Governor, shall be set up for the purpose of preserving the Andrew Johnson house.

Appointment of  
commission to  
preserve Andrew  
Johnson house.

SEC. 2. This commission shall have power to receive donations, to hold, deposit, and expend funds for this purpose, and to take other necessary steps in order to carry out the purposes of this Act.

Powers of  
commission.

SEC. 3. This Act shall be in force from and after its ratification.

Ratified this the 9th day of March, 1943.

## S. B. 297

## CHAPTER 708

AN ACT TO PROVIDE FOR THE CREATION OF A RETIREMENT SYSTEM FOR EMPLOYEES OF THE CITY OF WILMINGTON, AND TO PROVIDE MACHINERY FOR THE PROPER ADMINISTRATION THEREOF.

*The General Assembly of North Carolina do enact:*

Board of Trustees of the Retirement System of the City of Wilmington created.

Membership.

Time of appointment.

To serve without compensation.

Clerk and treasurer of fund.

Object of Act.

Investment of fund.

Interest on deposits.

Reports to City Council.

SECTION 1. That there is hereby created a Board of Trustees in the City of Wilmington, North Carolina, to be known as the "Board of Trustees of the Retirement System of the City of Wilmington"; and the said board of trustees shall consist of four members to be selected as follows: one by the Council of the City of Wilmington, one by the employees of the City of Wilmington and one shall be selected by the foregoing two trustees; and the City Clerk of the City of Wilmington is hereby appointed a member of said board without voting power. The said trustees shall be appointed as hereinbefore provided, not later than July first, one thousand nine hundred and forty-three, and their successors shall be selected every two years thereafter. All of said trustees shall serve without compensation.

The city clerk or any other person selected by the trustees shall be the clerk and treasurer of the said retirement fund and shall be allowed for his services such sum as the board of trustees shall find equitable.

The object of this Act is to provide a retirement fund for any permanently disabled or superannuated employee of said city as hereinafter provided, and to provide necessary funds to continue payments of compensation to those persons who may be placed on the retirement rolls of said city.

SEC. 2. That the Board of Trustees for the Retirement System of the City of Wilmington shall have the power to invest and reinvest from time to time said pension fund or any part thereof in the name of "Board of Trustees for the Retirement System of the City of Wilmington" in interest bearing bonds of the United States, of the State of North Carolina, the County of New Hanover or the City of Wilmington. In case such pension fund or any part thereof shall by order of said board or otherwise be deposited in any bank or banks, all interest or money which may be paid or agreed to be paid on account of such sums on deposit shall belong to and constitute a part of said fund, as well as any other income or accretions arising from any investments made under this Act.

SEC. 3. That the said board of trustees shall make a full report of the status of said fund to the City Council of the City of Wilmington at the first regular meeting of said city council in July of each year.

SEC. 4. That it shall be the duty of the City Attorney of the City of Wilmington to give advice to said board of trustees in all matters pertaining to their duties and the management of said Retirement System of the City of Wilmington whenever so requested, and he shall represent and defend said board as its attorney in all suits or actions of law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by said board.

City Attorney to be attorney for Board.

SEC. 5. That the board of trustees for the retirement system shall have the power to make all needful rules and regulations for the management of the pension fund not inconsistent with the provisions of this Act, and said board shall hear and pass upon all applications for pensions under this Act, and its decisions on such applications, except where the same are in conflict with this Act, shall be final and conclusive. The board shall cause to be kept a record of all its meetings and proceedings.

Rules and regulations.

Decisions of Board on applications for pensions conclusive.

SEC. 6. The retirement compensation for permanent disability and superannuation shall be subject to the following regulations:

Retirement compensation.

(a) Any employee of the City of Wilmington who has attained the age of sixty years, may upon his request be placed on the retired list and shall receive such sums as he may be entitled to under Subsection "b," and any one who has been in the employ of the City of Wilmington as long as ten years and who has become disabled and unable to continue to satisfactorily perform the services required of him may be placed on the retirement rolls in the discretion of the trustees, and said disabled employee shall receive as his retirement compensation such sum as he shall be entitled to under the scale shown in Subsection "b."

Employees 60 years of age.

Disabled employees employed by city ten years.

(b) All employees who shall be placed on the retirement rolls shall receive from the retirement fund, in regular monthly payments a sum equal to thirty per cent (30%) of his average salary for the preceding three years, provided he has been in the employ of the City of Wilmington for as long as ten years; which rate shall be increased one per cent (1%) for each additional year's service; but in no case shall he (or she) receive more than fifty per cent (50%) of his (or her) former salary.

Amount of retirement benefits.

(c) Monthly salary shall mean the employee's base pay exclusive of any pay for overtime or deductions made for loss of time or for any other purpose.

Monthly salary construed.

(d) That in all instances where the service of a physician is found necessary for the examination of an applicant seeking a pension, the certificate of such physician or surgeon shall be secured by the board, and be carefully preserved by it.

Certificates of examining physicians.

Refunds to certain persons severing connection with city.

(e) Any one who is a member of the Retirement System of the City of Wilmington and who shall sever his connection with the city before becoming entitled to retirement compensation shall have such sum as has been paid by him, refunded. In case such severance is by death, such amount shall be refunded to his (or her) administrator or executor.

Appropriations.

SEC. 7. That the City Council of the City of Wilmington are hereby authorized and directed to appropriate not less than fifteen thousand dollars (\$15,000.00) from the general fund of said city for the fiscal year beginning July first, one thousand nine hundred and forty-three, and shall thereafter appropriate a sum equal to not less than five per cent (5%) of the annual salary of each employee who elects to become a member of the retirement system.

Deductions from salaries.

(a) The city clerk shall deduct four per cent (4%) from the monthly salary of each employee member and pay the said amount to the retirement fund.

Payroll deductions and retirement benefits for employees jointly employed by County and City.

(b) In case of employees employed jointly by the county and city, their proportion of payroll deductions by the city for the benefit of the retirement fund and, in case of retirement, the proportion paid to them from the retirement fund shall bear the same relation to their total salary as that part of their salary paid by the city bears to the total salary received by them.

Acceptance of gifts.

(c) The board of trustees as herein provided for may accept and receive any gift, grant, or bequest of any real or personal property or other things of value for and as the property of said retirement fund and hold, invest and disburse the same for the uses of said fund, in accordance with the purposes of this Act.

Persons to whom Act applicable.

SEC. 8. That all employees of the City of Wilmington shall be subject to the provisions of this Act except members of the police and fire departments, and temporary or casual employees: Provided, that the city council, with the approval of the board of trustees herein created, may exclude any employee upon his written request made at the time of his or her employment.

"Employee" construed.

"Employee" shall be construed to mean any one in the employ of the city, whether elected or appointed.

Certain records to be kept.

SEC. 9. That there shall be kept in the office of said board of trustees by its secretary a record which shall give a full and complete history and record of all the actions of the board of trustees in retiring any and all persons under this Act; such records shall give names, date of employment by the city, date of retirement and the reason therefor, of any and all persons retired.

SEC. 10. That the pension fund herein provided for shall be exempt from taxation.

Exemption from taxation.

SEC. 11. That the board of trustees shall hold all funds collected, upon the trusts and for the purposes set out in this Act, and shall be clothed with all the power and authority and subjected to all the duties and restrictions in this Act contained.

Powers and duties of Board.

SEC. 12. That if any section of this Act shall be declared unconstitutional or invalid, it shall in no way invalidate any other section.

Partial invalidity section.

SEC. 13. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 14. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 329

### CHAPTER 709

AN ACT TO AUTHORIZE AND EMPOWER GOVERNING BOARDS OF COUNTIES, CITIES AND TOWNS TO REMIT AND REFUND TAXES ILLEGALLY COLLECTED AND PAID INTO THE TREASURY OF SUCH MUNICIPALITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The board of county commissioners of any county or the governing body of any city or town, upon the passage and recording in the minutes of a proper resolution finding as a fact that any funds received by such municipality were required to be paid through clerical error or by a tax illegally levied and assessed, is authorized and empowered to remit and refund the same upon the taxpayer making demand in writing to the proper board for such remission and refund within two years from the date the same was due to be paid.

Refunds of certain funds paid counties or cities through error or for taxes illegally levied.

Upon demand by taxpayer.

Time for demand.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 344

## CHAPTER 710

AN ACT TO AMEND SECTION ONE THOUSAND FOUR HUNDRED AND THREE OF CHAPTER THREE HUNDRED AND TEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO DISCOUNTS AND PENALTIES TO PROVIDE A SCHEDULE OF DISCOUNTS AND PENALTIES ON POLL AND PROPERTY TAXES FOR THE COUNTY OF SURRY, THE TOWN OF MOUNT AIRY AND THE TOWN OF ELKIN.

*The General Assembly of North Carolina do enact:*

Penalties and discounts on taxes in Surry County and Towns of Mount Airy and Elkin in lieu of Sec. 1403, Ch. 310, Public Laws, 1939.

SECTION 1. In lieu of the schedule of penalties and discounts provided by Section one thousand four hundred and three of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, the penalties and discounts on poll and property taxes assessed or levied by the County of Surry and the Towns of Mount Airy and Elkin, in Surry County, North Carolina, shall be as provided in this Act.

Date taxes due.

SEC. 2. All taxes assessed or levied under Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, by the County of Surry and the Towns of Mount Airy and Elkin, shall be due and payable on the first Monday of October of the year in which they are assessed or levied.

Discounts.

SEC. 3. If such taxes are actually paid in cash, the taxpayer shall be entitled to the following discounts:

2% on or before July 1.

(a) If taxes are paid on or before July first of the year in which they become due and payable, or at any time during the months of August, September and October of the year in which they become due and payable, there shall be deducted a discount of two per cent of the amount of such taxes.

2% in August, September and October.

1% during November.

(b) If such taxes are paid at any time during the month of November of the year in which they become due and payable, there shall be deducted a discount of one per cent of the amount of such taxes.

At par from December 1 through February 1.

SEC. 4. After the thirtieth day of November and on or before the first day of February next after they become due and payable, taxes assessed or levied by the County of Surry and the Towns of Mount Airy and Elkin shall be paid at par or face value.

Penalties.

SEC. 5. There shall be added to taxes assessed or levied by the County of Surry and the Towns of Mount Airy and Elkin which are not paid until after February first, next after they become due and payable, a penalty of one per cent of the amount of such taxes for each or fraction of month after said date of

1% for each month or fraction after February 1, up to 6%.

February first in which such taxes remain unpaid until the amount of such penalties shall aggregate six per cent. Thereafter, in addition to the penalties stated above, a penalty of one half of one per cent of the principal amount of such taxes shall be added each month or fraction of month until such taxes are paid, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

$\frac{1}{2}$ % for each month or fraction thereafter.

SEC. 6. In lieu of the interest rate provided by Section one thousand seven hundred and sixteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, tax sale certificates issued to purchasers of tax liens for poll and property taxes assessed or levied by the County of Surry and the Towns of Mount Airy and Elkin shall bear interest from the date of such certificates at the rate of six per cent per annum on so much of the purchase price of such tax sales certificates as represents the amount of taxes, penalties to the date of sale, and the cost of advertising and sale.

Interest rate on tax sales certificates in lieu of rate provided in Sec. 1716, Ch. 310, Public Laws, 1939.

SEC. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 452                      CHAPTER 711

### AN ACT TO AUTHORIZE ANY BOARD OF COUNTY COMMISSIONERS AND MUNICIPAL AUTHORITIES TO AID IN THE WAR EFFORT BY CONTRIBUTIONS TO LOCAL ORGANIZATIONS OF OFFICIAL STATE AND FEDERAL GOVERNMENTAL AGENCIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the several boards of county commissioners in the State of North Carolina and the governing bodies of the municipalities of the State are authorized, in their discretion, to appropriate from the general fund of their respective counties and municipalities such funds as they may determine to be a necessary and proper contribution to local organizations of official State and Federal governmental agencies engaged in the war effort, including defense councils and Office of Price Administration: Provided, that in no event shall any contribution be made in the way of compensation to members of the boards of such agencies, or any panels thereof.

Contributions by counties and cities to local organizations of State or Federal agencies in war effort.

No contribution for compensation of board members.

Act not applicable to certain counties.

SEC. 2. That the provisions of this Act shall not apply to Avery, Clay, Cumberland, Currituck, Davie, Forsyth, Graham, Hyde, Macon, Swain, Buncombe, Surry and Transylvania Counties.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 637

## CHAPTER 712

### AN ACT TO REIMBURSE C. C. HILL FOR DAMAGES TO A FORD PICK-UP TRUCK CAUSED BY A SCHOOL BUS.

Preamble:  
Truck of C. C. Hill damaged by collision with school bus.

WHEREAS, on the twenty-fifth day of September, one thousand nine hundred and forty-one, a Ford pick-up truck owned by C. C. Hill and operated by his son, W. S. Hill, was damaged in a collision with a school bus owned by the State School Commission and operated by the regular bus driver employed by the State School Commission, near the Town of Merritt, in Pamlico County; and

Bus operated in careless manner.

WHEREAS, the said school bus was being operated by James Batson, the regular bus driver, on the left-hand side of the road in a careless manner; and

Hill truck being operated in careful manner.

WHEREAS, the Ford pick-up truck was being operated by the said W. S. Hill on the right-hand side of the said road in a careful and prudent manner, and in no wise contributed to the damages sustained, but that the carelessness of the operator of the school bus was the sole and proximate cause of said damages; and

Amount of damage to truck.

WHEREAS, the said truck was damaged in the sum of three hundred and twenty-five dollars (\$325.00) and there is no legal remedy available to said C. C. Hill against the State School Commission or the State of North Carolina to compel it to pay said expenses; and

No legal remedy available to Hill.

Proper that expenses be paid by School Commission.

WHEREAS, it is just and proper that said expenses be paid by the said State School Commission: Now, therefore,

*The General Assembly of North Carolina do enact:*

Payment of damages authorized upon certain findings.

SECTION 1. The State School Commission is hereby authorized and empowered to investigate the claim of the said C. C. Hill for damages done to his truck on account of the collision with the State school bus, and upon production of satisfactory proof that said damages occurred through the negligent operation of

said school bus, said State School Commission is thereupon authorized and empowered to pay the damages sustained by the said C. C. Hill not exceeding three hundred and twenty-five dollars (\$325.00); provided, no payment shall be made hereunder in the event the investigation aforesaid should disclose that the said W. S. Hill was guilty of contributory negligence in the operation of the Ford pick-up truck.

Not to exceed  
\$325.00.

No payment in  
certain instance.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 660

### CHAPTER 713

AN ACT TO AMEND SECTION NINE HUNDRED AND TWENTY-SEVEN OF THE CONSOLIDATED STATUTES, RELATING TO THE BOND OF CLERKS OF THE SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nine hundred and twenty-seven of the Consolidated Statutes of North Carolina, as amended by Chapter one hundred and seventy of the Public Laws of one thousand nine hundred and thirty-one, be, and the same hereby is, amended by striking out the words, "twenty-five," in line five and inserting in lieu thereof the word, "fifty," provided that this Act shall apply only to counties having a population in excess of fifty thousand inhabitants.

C. S. 927, relating  
to bond of C. S.  
C., amended.

Act applicable  
only to counties  
having more than  
50,000 inhabitants.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 666

### CHAPTER 714

AN ACT TO REIMBURSE T. J. GILLIAND FOR DAMAGES CAUSED BY A MULE BEING STRUCK AND KILLED BY A SCHOOL BUS.

WHEREAS, on or about the first of February, one thousand nine hundred and forty-one a mule being driven on a public road in Chatham County was struck and killed by a school bus owned by the State School Commission and operated by the regular bus driver and employed by the said State School Commission; and

Preamble:  
Mule of T. J.  
Gilliand killed by  
school bus.

Bus operated in careless manner.

WHEREAS, said school bus was being operated in a snow storm in a careless and reckless manner, around a curve, causing said school bus to skid and strike and kill the mule of the said Gilliland; and

Operation of bus proximate cause of damages.

WHEREAS, the careless and reckless operation of said bus was the sole and proximate cause of said damages; and

Value of mule.

WHEREAS, the said mule was valued in the sum of two hundred dollars (\$200.00) and there is no legal remedy available to the said Gilliland against the State School Commission or the State of North Carolina to compel it to pay said expenses; and

No legal remedy available.

Proper that expenses be paid by School Commission.

WHEREAS, it is just and proper that said expenses be paid by the State School Commission: Now, therefore,

*The General Assembly of North Carolina do enact:*

Payment of damages authorized upon certain findings.

SECTION 1. The State School Commission is hereby authorized and empowered to investigate the claim of the said T. J. Gilliland for damages in the killing of his mule by being struck by the said school bus, and upon production of satisfactory proof that said damages occurred through the negligent operation of said school bus, upon so finding, the said State School Commission is authorized and empowered to pay the damages sustained by the said T. J. Gilliland not exceeding two hundred dollars (\$200.00).

Not to exceed \$200.00.

No payment in certain instances.

SEC. 1½. In no event shall any damages be paid to T. J. Gilliland in connection with the killing of his mule by the school bus aforesaid if the investigation or the claim discloses that the said T. J. Gilliland was in any respect negligent in permitting his mule to run at large or that said mule was being driven on the highway in a negligent manner.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 787

## CHAPTER 715

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO AUTOMOBILE REGISTRATION CARDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section twenty-one of Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven is hereby amended by changing the period at the end of Paragraph (c) to a colon and adding the following:

Sec. 21, Ch. 407, Public Laws, 1937, relative to automobile registration cards, amended.

“Provided, however, no person charged with failing to so carry such registration card shall be convicted if he produces in court a registration card theretofore issued to him and valid at the time of his arrest.”

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 803

## CHAPTER 716

AN ACT TO PROVIDE FOR THE DISPOSITION BY THE SECRETARY OF STATE OF SURPLUS COPIES OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA CONSISTING OF VOLUMES ONE, TWO AND THREE.

*The General Assembly of North Carolina do enact:*

SECTION 1. Section one of Chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-three is hereby amended by rewriting to read as follows:

Sec. 1, Ch. 115, Public Laws, 1933, rewritten.

“SECTION 1. The Secretary of State is hereby authorized and directed to dispose of surplus volumes of the Consolidated Statutes consisting of Volumes one, two and three in the following manner:

Disposition of surplus volumes of Consolidated Statutes.

“(a) For a period of six months following the ratification of this Act he shall offer said volumes to judges and officials of the Supreme and Superior Courts, law libraries in the State of North Carolina, State offices and agencies, and active members of the North Carolina State Bar, for cost of postage and packing.

To certain State officials, etc.

“(b) During said period of six months following the ratification of this Act the price to dealers and others not referred to in Subsection (a) shall be five dollars (\$5.00) per set.

To dealers and others.

Sale for scrap  
paper or junk.

“(c) After six months from the ratification hereof the Secretary of State shall advertise publicly for bids on remaining volumes as scrap paper or junk through the Division of Purchase and Contract and the highest bid received in accordance with invitations shall be accepted. If no bids are received, then he is directed to burn said volumes within ninety days.

Withholding for  
historical use.

“(d) He shall withhold sufficient volumes for historical use as may appear necessary.”

Sec. 3, Ch. 115,  
Public Laws,  
1933, rewritten.

SEC. 2. Section three of Chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and thirty-three is hereby amended by rewriting to read as follows:

Notice of reduced  
prices.

“SEC. 3. The Secretary of State is directed to give due notice to all interested persons of the reduced price of the aforesaid publications.”

Conflicting laws  
repealed.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 812

## CHAPTER 717

AN ACT TO REPEAL HOUSE BILL NUMBER FOUR HUNDRED AND FIFTEEN AS ENACTED BY THIS SESSION OF THE GENERAL ASSEMBLY AND RATIFIED ON THE TWENTY-FIFTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, WHICH WAS ENTITLED "AN ACT TO RELIEVE J. W. COOPER, FORMER SHERIFF OF BERTIE COUNTY, AND THE ESTATE OF A. O. ASKEW, FORMER DEPUTY SHERIFF OF BERTIE COUNTY, FROM FURTHER LIABILITY FOR FUNDS LOST IN DEFUNCT CITIZENS BANK OF WINDSOR;" AND TO AUTHORIZE AND EMPOWER BOARD OF COUNTY COMMISSIONERS OF BERTIE COUNTY TO SETTLE, ON BASIS WHICH WILL INURE TO BEST INTEREST OF BERTIE COUNTY IN ITS JUDGMENT, NOTE OF J. W. COOPER AND A. O. ASKEW AND COLLATERAL NOTE OF R. E. TARKENTON, AND ALSO LIABILITY OF J. W. COOPER, FORMER SHERIFF OF BERTIE COUNTY, AND THE ESTATE OF A. O. ASKEW, FORMER DEPUTY SHERIFF OF BERTIE COUNTY, FROM FURTHER LIABILITY FOR FUNDS LOST IN DEFUNCT CITIZENS BANK OF WINDSOR.

WHEREAS, on the twenty-fourth day of November one thousand nine hundred and thirty, J. W. Cooper, Sheriff of Bertie County, and A. O. Askew, Deputy Sheriff of Bertie County, executed and delivered to J. B. Cherry, Treasurer of Bertie County, their note payable on demand for the sum of four thousand and fifty dollars (\$4,050.00) to cover tax funds of Bertie County then in their hands and on deposit in the name of J. W. Cooper, Sheriff of Bertie County, or A. O. Askew, Deputy Sheriff of Bertie County, in the Citizens Bank of Windsor, which was closed earlier in the year of one thousand nine hundred and thirty; and

Preamble:

J. W. Cooper,  
former sheriff  
and A. O. Askew,  
Deputy, executed  
note to Bertie  
County covering  
tax funds in  
closed bank.

WHEREAS, as indemnity for said lost Bertie County tax funds the Citizens Bank of Windsor, transferred to J. W. Cooper and A. O. Askew, and J. W. Cooper and A. O. Askew pledged and hypothecated with the Treasurer of Bertie County, as collateral security for said note of four thousand and fifty dollars (\$4,050.00), certain note or notes executed by R. E. Tarkenton and others, dated February seventh, one thousand nine hundred and thirty, payable to the order of the Citizens Bank of Windsor in the original principal sum of two thousand and eight hundred dollars (\$2,800.00), together with the deed of trust securing the same as executed by R. E. Tarkenton and others, under the same date, to J. H. Spruill, Trustee for the Citizens Bank of Windsor, as recorded in the Office of the Register of Deeds for Bertie County, in Book two hundred and sixty-eight, at Page two hundred and thirty-three; and

Indemnity  
furnished.

Notes of R. E.  
Tarkenton and  
others.

Tarkenton notes cancelled pursuant to agreement.

New note executed and hypothecated to County.

Payments made on said notes.

Balances due.

WHEREAS, by agreement among R. E. Tarkenton, J. W. Cooper, A. O. Askew and the Board of County Commissioners of Bertie County the said note or notes and deed of trust of the seventh of February, one thousand nine hundred and thirty, for the original principal sum of two thousand and eight hundred dollars (\$2,800.00) were canceled, and R. E. Tarkenton executed a new note for the balance thereof, dated October nineteenth, one thousand nine hundred and thirty-four, payable to the order of A. O. Askew in the sum of one thousand five hundred forty-six dollars and eighty-eight cents (\$1,546.88), the payment of which was secured by a deed of trust of the same date and amount executed by R. E. Tarkenton and others to L. S. Mizelle, Trustee for A. O. Askew, as recorded in the Office of the Register of Deeds for Bertie County, in Book three hundred and four, at Page two hundred and forty-nine, and A. O. Askew pledged, hypothecated and delivered this said note of R. E. Tarkenton to the Treasurer of Bertie County as continued collateral security for the aforesaid note of J. W. Cooper and A. O. Askew in the sum of four thousand and fifty dollars (\$4,050.00); and

WHEREAS, R. E. Tarkenton, J. W. Cooper and A. O. Askew have made sundry payments upon said notes, as shown on faces and backs thereof; there is now owing on the note of J. W. Cooper and A. O. Askew the sum of one thousand six hundred fourteen dollars and forty-one cents (\$1,614.41) with interest from the thirtieth day of June, one thousand nine hundred and thirty-six; there is now owing on the collateral note of R. E. Tarkenton the sum of eight hundred sixty-two dollars and thirty-one cents (\$862.31) with interest on the sum of five hundred forty-six dollars and eighty-eight cents (\$546.88) from the fourth day of May, one thousand nine hundred and thirty-six; A. O. Askew is now deceased; and Bertie County is now the owner and holder of the balances owing on both said notes of J. W. Cooper and A. O. Askew and of R. E. Tarkenton: Now, therefore,

*The General Assembly of North Carolina do enact:*

H. B. No. 415  
(Ch. 241, Session  
Laws, 1943),  
repealed.

SECTION 1. That House Bill Number four hundred and fifteen as enacted by this Session of the General Assembly and ratified on the twenty-fifth day of February, one thousand nine hundred and forty-three, it being "A Bill to be entitled an Act to relieve J. W. Cooper, former Sheriff of Bertie County, and the estate of A. O. Askew, former Deputy Sheriff of Bertie County, from further liability for funds lost in defunct Citizens Bank of Windsor," be and the same is hereby repealed; and that the liability of said J. W. Cooper and the estate of A. O. Askew upon their note executed to the order of J. B. Cherry, Treasurer, for Bertie County, dated the twenty-fourth day of November, one thousand nine hundred and thirty, for the sum of four thousand and fifty dollars (\$4,050.00), shall in all respects be and continue in full force and effect to the same

Liability on note of Cooper and Askew to continue.

original extent as though the said House Bill Number four hundred and fifteen had never been enacted or ratified.

SEC. 2. That the Board of County Commissioners of Bertie County be, and it is hereby, authorized and empowered to accept partial payment, adjust, compromise, settle and cancel or release, on any basis which in its judgment will be and inure to the best interest and advantage of Bertie County, the note of J. W. Cooper and A. O. Askew for four thousand and fifty dollars (\$4,050.00) and dated the twenty-fourth day of November, one thousand nine hundred and thirty, and the note executed by R. E. Tarkenton to the order of A. O. Askew, dated the nineteenth day of October, one thousand nine hundred and thirty-four, for the sum of one thousand five hundred forty-six dollars and eighty-eight cents (\$1,546.88), and now owned and held by Bertie County as collateral for the aforesaid note of J. W. Cooper and A. O. Askew, and also the liability of J. W. Cooper and A. O. Askew, as Sheriff and Deputy Sheriff of Bertie County, respectively, for the tax funds on deposit in their names in the now defunct Citizens Bank of Windsor at the time it was closed in the year one thousand nine hundred and thirty.

Compromise settlement by Board of County Commissioners authorized.

SEC. 3. That the Board of County Commissioners of Bertie County and the Treasurer of Bertie County be, and they are hereby, authorized, and empowered, after settlement of said notes of J. W. Cooper and A. O. Askew and of R. E. Tarkenton shall have been made and completed as the board of county commissioners may direct, to mark both of said notes "Paid and Satisfied" and to deliver the Cooper and Askew note to J. W. Cooper and the Tarkenton note and deed of trust to R. E. Tarkenton.

Cancellation of notes authorized upon compromise settlement.

SEC. 4. That all laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 835

## CHAPTER 718

### AN ACT RELATING TO REAL ESTATE CONVEYANCES HERETOFORE MADE BY THE TOWN OF ELM CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. All real estate conveyances heretofore made by the Town of Elm City which have been defective because of failure to advertise said sale, or otherwise strictly comply with the provisions of Section number two thousand six hundred and eighty-eight (2688) of the Consolidated Statutes, are hereby ratified and confirmed.

Conveyances by Town of Elm City defective for certain causes ratified.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 84

### CHAPTER 719

AN ACT TO AMEND CHAPTER TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE CREATING A TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM IN NORTH CAROLINA, TO PERMIT THE BOARD OF TRUSTEES TO MAKE REGULATIONS PREVENTING INJUSTICES AND INEQUALITIES NOT OTHERWISE COVERED BY THE ACT AND TO PERMIT THE RE-EMPLOYMENT OF TEACHERS AND STATE EMPLOYEES WHO HAVE BEEN RETIRED ON ACCOUNT OF AGE WHEN NEEDED DURING ANY EMERGENCY.

*The General Assembly of North Carolina do enact:*

Ch. 25, Public Laws, 1941, relative to Teachers' and State Employees' Retirement System, amended.

SECTION 1. Section six of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one is hereby amended by adding at the end of Subsection six the following sentence:

Power of trustees to adopt rules and regulations.

"The board of trustees shall also, from time to time, in its discretion, adopt rules and regulations to prevent injustices and inequalities which might otherwise arise in the administration of this Act."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 239

### CHAPTER 720

AN ACT TO AMEND THE SCHOOL MACHINERY ACT, THE SAME BEING CHAPTER THREE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AS AMENDED.

*The General Assembly of North Carolina do enact:*

Sec. 8, Ch. 358, Public Laws, 1939, being the School Machinery Act, amended.

SECTION 1. That Section eight of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Section three of Chapter two hundred

and sixty-seven of the Public Laws of one thousand nine hundred and forty-one, be amended by striking out the period at the end of Paragraph one and inserting in lieu thereof a colon, and by adding thereafter the following words:

"Provided, further, that for the duration of the present war and for the first school term thereafter, it shall be the duty of the State Board of Education to provide any union school, that is, a school embracing both elementary and high school grades, in the State of North Carolina, having four high school teachers or less, not less than the same number of teachers as were allotted to said school for the school year of one thousand nine hundred and forty-two—one thousand nine hundred and forty-three. The provisions of this section as to the allotment of teachers shall apply only to those schools where the reduction in enrollment is shown to be temporary as determined by the State Board of Education."

Allotment of teachers to union schools during war period.

SEC. 2. That Section twelve of said chapter be and the same is hereby amended (a) by striking out the words "one thousand nine hundred forty-one and one thousand nine hundred forty-two" and inserting in lieu thereof the words "one thousand nine hundred and forty-three and one thousand nine hundred and forty-four," and (b) by adding after the last paragraph in said section the following words: "In the event a teacher is rejected under the provisions of this section, such rejection shall be subject to the approval or disapproval of the governing authorities of the administrative unit in which said teacher is employed."

Sec. 12 amended.

Section 12 further amended.

Rejection of teachers subject to approval of governing authorities of administrative unit.

SEC. 3. That Section twenty-two of said chapter be and the same is hereby amended by striking out the word "exceed" after the words "shall not" and before the word "three" in Paragraph two of said section, and substituting in lieu thereof the words "be less than."

Sec. 22 amended.

SEC. 4. The State Board of Education shall study the question of consolidation of administrative units in order to determine the size unit which is most economical to administer to the end that administrative costs be reduced to the minimum and the largest possible proportion of school funds be expended for instructional services, and shall reports its findings and recommendations to the General Assembly of one thousand nine hundred and forty-five.

Study of Consolidation of administrative units.

Report to General Assembly.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## S. B. 281

## CHAPTER 721

AN ACT TO ABOLISH THE STATE SCHOOL COMMISSION, THE STATE TEXTBOOK COMMISSION, THE STATE BOARD FOR VOCATIONAL EDUCATION, AND THE STATE BOARD OF COMMERCIAL EDUCATION, AND TO TRANSFER THEIR POWERS, FUNCTIONS AND DUTIES TO THE STATE BOARD OF EDUCATION CREATED BY THE CONSTITUTIONAL AMENDMENTS ADOPTED IN ONE THOUSAND NINE HUNDRED AND FORTY-TWO AND TO PROVIDE FOR THE POWERS, FUNCTIONS AND DUTIES OF SAID NEWLY CREATED STATE BOARD OF EDUCATION IN KEEPING WITH THE PROVISIONS OF THE CONSTITUTIONAL AMENDMENTS.

*The General Assembly of North Carolina do enact:*

Abolition of certain State educational boards and commissions.

Date of abolition.

Certain property, functions and duties to vest in State Board of Education.

C. S. 5394, vol. 3, repealed.

C. S. 5395, vol. 3, rewritten.

Powers and duties of State Board of Education.

SECTION 1. The State School Commission, the State Textbook Commission, the State Board for Vocational Education, and the State Board of Commercial Education are abolished from and after the first day of April, one thousand nine hundred and forty-three and from and after said date the State Board of Education as constituted under Section eight of Article nine of the Constitution of North Carolina, as amended at the November election of one thousand nine hundred and forty-two, shall succeed to the title to all property, real and personal, and shall succeed to and exercise and perform all the powers, functions and duties of said commissions, boards, and of the State Board of Education as constituted prior to the first day of April, one thousand nine hundred and forty-three, including the power to take, hold and convey property, both real and personal, to the same extent that any corporation might take, hold and convey the same under the laws of this State.

SEC. 2. Section five thousand three hundred and ninety-four of Volume III of the Consolidated Statutes of one thousand nine hundred and twenty-four, describing the membership and defining the corporate powers of the State Board of Education, is hereby repealed.

SEC. 3. Section five thousand three hundred and ninety-five of Volume III of the Consolidated Statutes of one thousand nine hundred and twenty-four is hereby amended by rewriting the section to read as follows:

“SEC. 5395. Powers and duties of the board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for

the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly."

SEC. 4. Section five thousand three hundred and ninety-six of Volume III of the Consolidated Statutes of one thousand nine hundred and twenty-four is hereby amended by rewriting the section to read as follows:

"SEC. 5396. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, shall, from and after the first day of April, one thousand nine hundred and forty-three, be vested in a State Board of Education to consist of the Lieutenant Governor, State Treasurer, the Superintendent of Public Instruction, and one member from each Congressional District to be appointed by the Governor. The State Superintendent of Public Instruction shall have general supervision of the public schools and shall be secretary of the board. There shall be a comptroller appointed by the board, subject to the approval of the Governor as Director of the Budget, who shall serve at the will of the board and who, under the direction of the board, shall have supervision and management of the fiscal affairs of the board. The appointive members of the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session. A majority of the members of said board shall be persons of training and experience in business and finance, who shall not be connected with the teaching profession or any educational administration of the State. The first appointments under this section shall be members from odd numbered Congressional Districts for two years, and members from even numbered Congressional Districts for four years and, thereafter, all appointments shall be made for a term of four years. All appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The board shall elect a chairman and a vice chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members of the board shall be provided by the General Assembly."

SEC. 5. Section five thousand and seven hundred of Volume III of the Consolidated Statutes of one thousand nine hundred and twenty-four, as amended by Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and forty-one, Section five thousand six hundred and ninety-six, Section five thousand six hundred and ninety-seven, Section

C. S. 5396, vol. 3, rewritten.

Administration of public school system, and educational funds.

Membership of Board.

Superintendent of Public Instruction to have supervision of schools.

Comptroller.

Term and duties of comptroller.

Confirmation of appointive members.

Qualifications of members.

Term of first appointments.

Vacancies.

Quorum.

Compensation of appointive members.

five thousand six hundred and ninety-eight, Section five thousand and seven hundred, Section five thousand seven hundred and one, Section five thousand seven hundred and two, Section five thousand seven hundred and four, Section five thousand seven hundred and twenty-two, Section five thousand seven hundred and twenty-six, Section five thousand seven hundred and twenty-eight and Section five thousand seven hundred and twenty-nine, all of Volume III of the Consolidated Statutes of one thousand nine hundred and twenty-four, and Chapter four of the Public Laws of the Extra Session of one thousand nine hundred and twenty-four and Chapter three hundred and sixty of the Public Laws of one thousand nine hundred and forty-one, are hereby amended by striking out the words "State Board for Vocational Education" wherever they appear and inserting in lieu thereof the words "State Board of Education," and any reference in any statute to the State Board for Vocational Education shall be deemed a reference to the State Board of Education.

Certain laws amended by changing "State Board for Vocational Education" to "State Board of Education."

Ch. 255, Public Laws, 1935, amended by changing "State Board of Commercial Education" to "State Board of Education."

Second paragraph, Sec. 2, Ch. 255, Public Laws, 1935, repealed.

SEC. 6. Wherever the words "State Board of Commercial Education" appear in Chapter two hundred and fifty-five of the Public Laws of one thousand nine hundred and thirty-five, as amended by Chapter one hundred and eighty-four of the Public Law of one thousand nine hundred and thirty-seven, the same shall be deleted and the words "State Board of Education" inserted in lieu thereof. The second paragraph of Section two of Chapter two hundred and fifty-five of the Public Laws of one thousand nine hundred and thirty-five, as amended by Section one, Paragraph (b), of Chapter one hundred and eighty-four of the Public Laws of one thousand nine hundred and thirty-seven, creating the State Board of Commercial Education, is hereby repealed.

Certain laws amended by changing the words "The School Commission" or "The State School Commission" to "The State Board of Education."

SEC. 7. Wherever the words "The School Commission" or the words "The State School Commission" appear in Chapter two hundred and forty-five of the Public Laws of one thousand nine hundred and thirty-five or Chapter two hundred and sixty-seven of the Public Laws of one thousand nine hundred and thirty-nine, the same shall be deleted and the words "The State Board of Education" inserted in lieu thereof.

Sec. 2, Ch. 358, Public Laws, 1939, repealed.

SEC. 8. Section two of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, creating the State School Commission, is hereby repealed. The last three sentences of Section three of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine are hereby amended by rewriting them to read as follows:

Sec. 3, Ch. 358, Public Laws, 1939, amended.

Board of Education to designate executive committee.

"The State Board of Education may designate from its membership an executive committee, which executive committee

shall perform such duties as may be prescribed by the State Board of Education. The secretary shall keep a record of the proceedings of any meetings of the executive committee in the same manner as proceedings of the full board are kept and recorded. The comptroller appointed by the State Board of Education shall approve such employees as work under his direction in the administration of the fiscal affairs of the State Board of Education."

Duties of committee.

Record of meetings of committee.

Comptroller to approve employees working under him.

Section eleven of Chapter three hundred and eighty-five of the Public Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out the words "State School Commission" in line twelve and substituting in lieu thereof "the comptroller appointed by the State Board of Education." Section twelve of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine is hereby amended by striking out the words "and the State School Commission" in line two and in line seventeen. In all other places in Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine, as amended by Chapter two hundred and sixty-seven of the Public Laws of one thousand nine hundred and forty-one, and in Chapter one hundred and fifty-eight of the Public Laws of one thousand nine hundred and forty-one, the words "The State School Commission" shall be deleted and the words "The State Board of Education" substituted in lieu thereof, and any reference to said School Commission shall be deemed a reference to the State Board of Education.

Sec. 11, Ch. 385, Public Laws, 1939, amended.

Sec. 12, Ch. 358, Public Laws, 1939, amended.

Certain laws amended by changing the words "The State School Commission" to "The State Board of Education."

SEC. 9. The words "The State Textbook Commission" in line seven of Chapter four hundred and four of the Public Laws of one thousand nine hundred and thirty-five shall be deleted. Section one of Chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and thirty-five, creating the State Textbook Purchase and Rental Commission, and Section one of Chapter one hundred and sixty-nine of the Public Laws of one thousand nine hundred and thirty-seven, creating the State Textbook Commission, are hereby repealed. Sections three hundred and twenty through three hundred and thirty-two, inclusive, of Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, as amended by Chapter two hundred and forty-nine of the Public Laws of one thousand nine hundred and twenty-seven, Chapter sixty-nine of the Public Laws of one thousand nine hundred and twenty-five, and Chapter four hundred and sixty-four of the Public Laws of one thousand nine hundred and thirty-three, as amended by Chapter sixty-eight of the Public Laws of one thousand nine hundred and thirty-nine, and Sections two, four and five of Chapter four hundred and twenty-two of the Public Laws of one thousand nine hundred and thirty-five and Chapter one hundred and sixty-nine of the Public

Ch. 404, Public Laws, 1935, amended.

Sec. 1, Ch. 422, Public Laws, 1935, and Sec. 1, Ch. 169, Public Laws, 1937, repealed.

Certain laws amended to change certain references therein to "The State Board of Education."

Laws of one thousand nine hundred and thirty-seven, as amended by Chapter ninety of the Public Laws of one thousand nine hundred and thirty-nine, are all hereby amended by striking out the words "State Commission," "State Textbook Commission," "State Textbook Purchase and Rental Commission," wherever they appear therein and substituting in lieu thereof the words "State Board of Education," and wherever reference is made in any statute relating to any such commissions with reference to State textbooks, the reference shall be deemed to be to the State Board of Education.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 11. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-three.

Ratified this the 9th day of March, 1943.

S. B. 292

## CHAPTER 722

### AN ACT TO PROVIDE FOR AN ELECTION ON THE QUESTION OF THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.

*The General Assembly of North Carolina do enact:*

Extension of corporate limits of City of Statesville.

Subject to election.

SECTION 1. The corporate limits of the City of Statesville shall be extended to include all territory within the limits described below, provided, that a majority of the votes cast in an election hereinafter provided for shall be for the extension of the corporate limits:

Corporate limits.

Beginning at a stake five hundred and forty-four feet North of the Mocksville Road in J. W. Fowler's field and running North sixty-nine degrees and seventeen minutes West crossing branch one thousand eight hundred and thirty-six feet to a stake in Holbrook's Woods about two hundred and fifty feet North of J. F. Scarborough's house; thence South forty-nine degrees and seven minutes West crossing the Sullivan or Elkin Road one thousand four hundred fifty-five and one half feet to a stake in the South side of Hartness Road near Emmett Bryant's; thence North eighty-four degrees and forty-five minutes West and with the South side of Hartness Road to the intersection of Brevard Street and Hartness Road continuing in the same direction crossing Hartness Road in front of Monroe Adam's house and through Hartness Woods seven thousand two hundred eighty-nine and six-tenths feet to a stake in the field near F. B. Bunch's; thence South fifty-three degrees and fifteen minutes West crossing the Wilkesboro Road near the intersection of the Gregory Road and North of F. B. Bunch's home five thousand and seven hundred feet to a stake near the line of

the Piedmont Experiment Station land; thence South sixty-five degrees and forty-eight minutes West crossing the Taylorsville Railway West of the Carnation Milk Plant and Taylorsville Highway two thousand and one hundred feet to a stake near the Wooten home; thence South eighteen degrees and ten minutes East crossing the Newton Highway in the hollow three thousand and forty feet to a stake in the field South of the Duchess Fabrics Plant; thence South forty-eight degrees and ten minutes East crossing the Buffalo Shoals Road on the John D. Stevenson farm and continuing in the same direction crossing the Southern Railway and the old Charlotte Highway South of Goforth's eleven thousand three hundred and thirty-five feet to a stake near the old swimming pool; thence, North sixty degrees and forty-five minutes East crossing the new Charlotte Highway about three hundred feet South of Kimball's Store continuing in the same direction crossing the Charlotte Railway seven thousand eight hundred and twenty-three feet to a stake on the East side of Wall Street at the old Statesville Chair Company ball park; thence North two degrees and four minutes East with the West edge of Wall Street Crossing the Salisbury Railroad thirty feet West of the Fox Grocery and Salisbury Highway continuing in the same direction crossing East Broad Street extension fifty feet East of Maple Street intersection with East Broad extension continuing in the same direction crossing Davie Avenue or Mocksville Road thirty feet East of the highway intersection with the old Mocksville Road leading to the Cavalry Barn ten thousand six hundred and thirty-one feet to the beginning.

SEC. 2. The Iredell County Board of Elections shall call an election to be held not later than November first, one thousand nine hundred and forty-four, to determine whether or not such territory shall be annexed to said city.

Call of election.

SEC. 3. The call for said election shall: (a) describe the territory proposed to be annexed to the city; (b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said city and of the territory to be annexed, voting together; (c) provide for a new or special registration of voters in the territory proposed to be annexed for said election; (d) designate the precincts and voting places for such election; (e) name the registrars and the judges of election; (f) make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the result. Said call shall be published in one or more newspapers of said city once a week for four weeks prior to said election.

Contents of call.

Publication.

SEC. 4. At such election those voters who favor extending the city limits as herein provided shall vote ballots on which shall be written or printed the words "For Extension"; and those opposed shall vote ballots on which shall be written or printed

Form of ballots.

Date extension effective, if approved.

the words "Against Extension." If at such election a majority of the votes cast shall be "For Extension" then from and after the first day of January, one thousand nine hundred and forty-six, the territory and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said City, and shall be afforded the same privileges, benefits and facilities as are afforded other comparable parts of the said city now within the city limits.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. B. 314

### CHAPTER 723

#### AN ACT PROTECTING WILD TURKEYS IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

Hunting, killing, etc., of wild turkeys in Wake County unlawful for certain period.

SECTION 1. That it shall be unlawful for any person to hunt, trap, kill or otherwise willfully molest any wild turkey in the County of Wake until the twenty-sixth day of November, one thousand nine hundred and forty-five.

Punishment for violation.

SEC. 2. That any person violating the provisions of this Act, shall upon conviction be fined twenty-five dollars (\$25.00) for each offense, or imprisoned in the county jail for not less than ten, nor more than thirty days in the discretion of the court, and possession of any wild turkey, dead or alive, shall constitute prima facie evidence of guilt.

Possession prima facie evidence of guilt.

SEC. 3. In case of the conviction of any person hereunder and the collection of the fine of twenty-five dollars (\$25.00), one half of the same shall be paid to the informer.

One-half fine paid to informer.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 270

## CHAPTER 724

## AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO LIVESTOCK MARKETS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby amended to read as follows:

Sec. 1, Ch. 263,  
Public Laws,  
1941, amended.

“SECTION 1. That any person, firm or corporation operating a public livestock market within the State of North Carolina shall be required to obtain from the Commissioner of Agriculture a permit authorizing the operation of such market. Application for a permit shall be made on forms furnished by the Commissioner of Agriculture and shall show full name and address of all persons having financial interest in the market, name of the officers, manager and person in charge, the name under which the market will operate, location, and facilities for holding and segregating animals, and such other information as the Commissioner of Agriculture may require. Upon the filing of the application on the forms prescribed and the giving of bond as required in this Act, the Commissioner of Agriculture shall issue and deliver to the applicant a permit authorizing the operation of the market, which permit may be revoked by the State Board of Agriculture for violation of the provisions of this Act, or the rules and regulations promulgated thereunder, after the owner or operator of the livestock market shall have been given ten day's notice of the alleged violation and an opportunity to be heard relative thereto by the State Board of Agriculture.

Permits required  
for operation of  
public livestock  
market.

Application.

Contents.

Revocation of  
permit.

Notice to owner  
or operator.

“If any person, firm, or corporation shall operate a public livestock market in violation of the provisions of this Act, or the rules and regulations promulgated by the State Board of Agriculture, or shall fail to comply with the provisions of the Act, or rules and regulations promulgated thereunder, a temporary restraining order may be issued by a judge of the Superior Court upon application by the Commissioner of Agriculture, and the judge of the Superior Court shall have the same power and the authority as in any other injunction proceeding, and the defendant shall have the same rights, including the right of appeal, as in any other injunction proceeding heard before the Superior Court.”

Issuance of  
restraining order  
for certain  
violations.

Power of judge  
and rights of  
defendant same  
as in other in-  
junction proceed-  
ings.

SEC. 2. That the last sentence of Section four of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

Sec. 4, Ch. 263,  
Public Laws,  
1941, amended.

Identification of cattle removed for immediate slaughter.

Limitations on use or resale of said cattle.

Sec. 5, Ch. 263, Public Laws, 1941, amended.

Identification of swine removed for immediate slaughter.

Limitations on use or resale of said swine.

Sec. 6, Ch. 263, Public Laws, 1941, rewritten.

Regulation of use of livestock removed from market.

Liability for diverting use for which livestock removed.

Sec. 8, Ch. 263, Public Laws, 1941, rewritten.

Sale, etc., of certain diseased animals prohibited.

“All cattle removed from any public livestock market for immediate slaughter shall be identified in an approved manner and the person removing same shall sign a form in duplicate showing number of cattle, their description, where same are to be slaughtered or resold for slaughter. Said cattle shall be resold only to a recognized slaughter plant or the agent of same, or to a person, firm or corporation that handles cattle for immediate slaughter only, and said cattle shall be used for immediate slaughter only. No market operator shall allow the removal of any cattle from a market in violation of this section.”

SEC. 3. That the last sentence of Section five of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

“All swine removed from any public livestock market for immediate slaughter shall be identified by a distinguishing paint mark or by other methods approved by the Commissioner of Agriculture and the person removing same shall sign a form in duplicate showing number of hogs, their description, where same are to be slaughtered or resold for slaughter. Said swine shall be resold only to a recognized slaughter plant or the agent of same, or to a person, firm or corporation that handles swine for immediate slaughter only and said swine shall be used for immediate slaughter only. No market operator shall allow the removal of any swine from a market in violation of this section.”

SEC. 4. That Section six of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

“SEC. 6. Any person or persons who shall remove from a public livestock market any cattle, swine, or other livestock for immediate slaughter shall use them for immediate slaughter only or resale for slaughter in accordance with this Act and the regulations issued in accordance with same. The owner of said animals shall be charged with the responsibility of having said animals slaughtered and shall be liable for all damages resulting from diverting them to other uses or failing to have them slaughtered, in addition to the criminal liability imposed in this Act.”

SEC. 5. That Section eight of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

“SEC. 8. No person or persons shall sell or offer for sale, trade or otherwise dispose of any animal or animals that are affected with a contagious or infectious disease or that the owner or person in charge has reason to believe are so affected,

except upon permission of the Commissioner of Agriculture or his authorized representatives and for immediate slaughter only. The provisions of this Act requiring inspection, testing, vaccination, paint marking, identification with an ear tag and health certificate issued by a qualified veterinarian shall apply to all animals sold or offered for sale on any public highway, right of way, street, or within one half mile of any public livestock market, or other public place: Provided, that this provision shall not apply to animals raised and owned by a bona fide farmer who is a resident of the State of North Carolina and sold or offered for sale by him."

Exception.

Application of Act.

Provision not applicable to sales by farmers in certain instances.

SEC. 6. That Section twelve of Chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and forty-one is hereby rewritten to read as follows:

Sec. 12, Ch. 263, Public Laws, 1941, rewritten.

"SEC. 12. Any person, firm, or corporation who shall knowingly violate any provisions set forth in this Act or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall wilfully fail to comply with any provisions of this Act shall be guilty of a misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court. A market operating under this Act shall not be responsible for the health or death of an animal sold through such market if the provisions of this Act have been complied with."

Certain violations made misdemeanor.

Responsibility of market for health, etc., of animals.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 562

CHAPTER 725

AN ACT FOR THE RELIEF OF ROMMIE R. GLOVER.

WHEREAS, in the year one thousand nine hundred and thirty, Rommie R. Glover was employed by the State of North Carolina as a highway patrolman and was faithfully performing the duties required of him as such; and

Preamble: Rommie R. Glover a Highway Patrolman in 1930.

WHEREAS, on or about June eighth, one thousand nine hundred and thirty, the said Rommie R. Glover, while on active duty as a State Highway Patrolman, attempted to arrest the driver of a car for reckless driving, in Haywood County about three miles east of Canton, and in making such arrest was shot from ambush and seriously injured by one of the occupants of the car; and

Glover seriously injured while making arrest.

Glover disabled as result of such injury.

Earning power reduced.

Forced to obtain medical treatment.

Cost.

WHEREAS, as the direct result of said shooting Rommie R. Glover has been seriously disabled, and his disability causes him continuous physical discomfort and has greatly reduced his earning power, with the result that he can now engage in only part time work, and has from time to time, been forced to obtain medical care and treatment and medicines at a total cost to him of one thousand three hundred and ninety dollars (\$1,390.00); and

Glover informed his disability permanent.

WHEREAS, his doctors have informed him that his disability will be permanent for the reason that there are shots in his body which cannot successfully be removed by surgery; and

Equitable that State defray expenses for medical care.

WHEREAS, in view of the fact that the said Rommie R. Glover sustained said injuries, which have resulted in his being seriously and permanently disabled, while faithfully and efficiently attending to duties required of him as a servant of the State of North Carolina, it is fair, just and equitable that the State of North Carolina defray the expenses for medical care incurred by Rommie R. Glover: Now, therefore,

*The General Assembly of North Carolina do enact:*

Payment of \$1300.00 to Glover authorized.

SECTION 1. That the State Treasurer is hereby authorized and directed to pay to Rommie R. Glover, of Raleigh, Wake County, North Carolina, the sum of one thousand three hundred and ninety dollars (\$1,390.00), out of moneys in the State Highway Fund, to defray medical expenses incurred by the said Rommie R. Glover as the direct result of injuries sustained while on active duty as a member of the State Highway Patrol.

From Highway Fund.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 9th day of March, 1943.

H. B. 619

CHAPTER 726

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED, RELATING TO MOTOR VEHICLES.

*The General Assembly of North Carolina do enact:*

Ch. 407, Public Laws, 1937, relating to motor vehicles, amended.

SECTION 1. That Chapter four hundred and seven of the Public Laws of one thousand nine hundred and thirty-seven, as amended, is hereby further amended as follows:

Subsection (a) By striking out the words “, and with intent to defraud the State of Registration fees” in Section twenty-seven, Subsection (f), line two. Sec. 27(f)  
amended.

Subsection (b) By striking out the words “and with intent to conceal the identity of such motor vehicle or the identity of the registered owner thereof,” in Section twenty-seven, Subsection (g), lines two, three, and four. Sec. 27(g)  
amended.

Subsection (c) By adding after the word “records” in Section thirty-four, Subsection (a), line three, the following words: “or the installation of another body in place of a body.” Sec. 34(a)  
amended.

Subsection (d) By making the following changes in Section thirty-four, Subsection (b): Sec. 34(b)  
amended.

(1) Insert the words “or body changed” after the word “installed” in line three.

(2) Insert the words “or new style of body” in line nine after the word “thereon.”

(3) Insert the words “or the new style of body” after the word “number” and before the period at the end of said subsection.

Subsection (e) By striking out the word “thirty-day” in Section forty-one, Subsection (c), line two, and inserting in lieu thereof the word “twenty-day.” Sec. 41(c)  
amended.

Subsection (f) By adding the following at the end of Section forty-two, Subsection (b): Sec. 42(b)  
amended.

“After such applications for certificate of title or surrendered certificates of title have been on file with the department for a period of three years, the commissioner is hereby authorized and empowered to provide for the photographic or photostatic recording of such documents in such manner as he may deem expedient. The photographic or photostatic copies herein authorized shall be sufficient as evidence in the tracing of the titles of the motor vehicles designated therein, and shall also be admitted in evidence in all actions or proceedings to the same extent that the originals would have been admitted.”

Photographic or photostatic recording of certain documents by commissioner.

Subsection (g) By striking out the word “collected” in Section fifty-three, line six. Sec. 53 amended.

Subsection (h) By adding the following new Subsection (e) to Section fifty-five: Sec. 55 amended.

“(e) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Commissioner of Motor Vehicles, any deputy, assistant, agent, clerk, other officer, employee, or former officer or employee, to divulge or make known in any manner the amount of gross

Disclosure of certain information prohibited except by court order.

- revenue or tax paid by any franchise bus carrier or franchise hauler as set forth or disclosed in any report or return required in remitting said tax, or as otherwise disclosed. Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns, and the items thereof; the inspection of such reports or returns by the Governor, Attorney General, Utilities Commission, or their or its duly authorized representatives; or the inspection by a legal representative of the State of the report or return of any franchise bus carrier or franchise hauler which shall bring an action to set aside or review the tax based thereon, or against which action or proceeding has been instituted to recover any tax or penalty imposed by this article. Any person, officer, agent, clerk, employee, or former officer or employee violating the provisions of this section shall be guilty of a misdemeanor."
- Publication of statistics permitted.
- Inspection by certain State officials permitted.
- Violation made misdemeanor.
- Sec. 58 amended. Subsection (i) By adding after the word "may" in Section fifty-eight, line three, the following: "if the commissioner is satisfied of the financial responsibility of such owner." Further amend Section fifty-eight by adding after the word "paid" in line eleven, the following words: "shall be subject to the penalties prescribed in Section one hundred and thirty-nine and."
- Sec. 60 amended. Subsection (j) By adding to the end of Section sixty the following:
- Willful violation of said section made misdemeanor. "Any person who shall willfully violate the provisions of this section shall be guilty of a misdemeanor in addition to being liable for the additional tax herein prescribed."
- Sec. 73 amended. Subsection (k) By striking out after the word "shall" in Section seventy-three, line one, the words "with fraudulent intent," and substituting in lieu thereof the word "willfully."
- Sec. 78 (c) amended. Subsection (l) By striking out the word "thirty" in Section seventy-eight, Subsection (c), line ten, and inserting in lieu thereof the word "twenty."
- Sec. 82 (h) amended. Subsection (m) By striking out the word "twenty" in Section eighty-two, Subsection (h), line two, and inserting in lieu thereof the word "thirty."
- Ch. 407, Public Laws, 1987, further amended. Subsection (n) By adding between Section ninety-three and Section ninety-four a new section to be numbered ninety-three and one half, which shall read as follows:
- Use of red lights on front of vehicles prohibited. "SEC. 93½. Use of red lights on front of vehicles prohibited; exceptions. It shall be unlawful for any person to drive upon the highways of this State any vehicle displaying red lights visible from the front of said vehicle. The provisions of this section shall not apply to police cars, highway patrol cars,
- Exceptions.

ambulances, wreckers, or fire fighting vehicles, or to such lights as may be prescribed by the Interstate Commerce Commission.”

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 621

## CHAPTER 727

AN ACT AUTHORIZING THE STATE SCHOOL COMMISSION TO COMPENSATE J. H. WILLIAMS, FATHER AND GUARDIAN OF HOWARD WILLIAMS AND ELSIE WILLIAMS, BOTH MINORS, MRS. ANNIE KELBAUGH, MOTHER AND GUARDIAN OF ANNIE MAY KELBAUGH, A MINOR, MRS. EFFIE MARCOM, MOTHER AND GUARDIAN OF LEONARD MARCOM, A MINOR, E. A. KING, FATHER AND GUARDIAN OF WELDON KING, A MINOR, FOR PERSONAL INJURIES SUSTAINED BY REASON OF A SCHOOL BUS WRECK ON MARCH TWENTY-FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission is hereby authorized to investigate the claims of J. H. Williams, father and guardian of Howard Williams and Elsie Williams, both minors, Mrs. Annie Kelbaugh, mother and guardian of Annie May Kelbaugh, a minor, Mrs. Effie Marcom, mother and guardian of Leonard Marcom, a minor, E. A. King, father and guardian of Weldon King, a minor, and upon production of satisfactory proof that the damage claimed occurred through the negligent operation of the school bus; the State School Commission is authorized to pay to the persons named above such sums as the State School Commission in its discretion deems proper.

Investigation of certain claims by School Commission.

Payment of damage authorized upon certain findings.

SEC. 1½. In no event shall any damages whatsoever be paid either of the claimants aforesaid if the investigation of the cases should disclose that the minors aforesaid were in any wise guilty of contributory negligence in connection with injuries alleged to have been sustained.

No payment in event of contributing negligence.

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 633

## CHAPTER 728

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND EIGHT OF THE CONSOLIDATED STATUTES, RELATING TO INTEREST ON OBLIGATIONS DUE GUARDIANS, SO AS TO MAKE THE RATE OF INTEREST AT LEAST FOUR PER CENT (4%) AND NOT MORE THAN THE LEGAL MAXIMUM.

*The General Assembly of North Carolina do enact:*

C. S. 2308, relating to interest on obligations due guardians, amended.

SECTION 1. Section two thousand three hundred and eight of the Consolidated Statutes of North Carolina, relating to interest on obligations due guardians, is hereby amended by adding at the end thereof the following:

Interest rate on loans made from estate.

“On loans made out of the estate of their wards, guardians may lend at any rate of interest not less than four per cent per annum and not more than the maximum legal rate. This Act shall in no way limit or affect the power of guardians to make other investments which are now or may hereafter be authorized or permitted by the laws, statutory or otherwise, of the State of North Carolina.”

Act not applicable to certain other investments.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 668

## CHAPTER 729

AN ACT TO AMEND HOUSE BILL TWO HUNDRED AND SEVENTY-NINE, RELATING TO THE TEMPORARY REINVESTMENT OF THE PROCEEDS OF THE SALE OF CONTINGENT REMAINDERS.

*The General Assembly of North Carolina do enact:*

H. B. No. 279 (Ch. 198, Session Laws, 1943), amended.

SECTION 1. House Bill two hundred and seventy-nine, relative to the temporary reinvestment of the proceeds of the sale of contingent remainders, ratified on February twenty-second, one thousand nine hundred and forty-three, is hereby amended by rewriting the last sentence of Section one to read as follows:

Investment of funds from sale of contingent remainders.

“The intent and purpose of this Act is to provide for the temporary reinvestment of funds received from the sale of contingent remainders in United States bonds and bonds guaranteed as to principal and interest by the United States.”

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 694

### CHAPTER 730

AN ACT TO PROVIDE CLERICAL ASSISTANCE IN THE OFFICE OF THE SHERIFF, TAX COLLECTOR AND TREASURER OF ALLEGHANY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of Alleghany County are authorized and empowered to provide a clerk for the office of the Sheriff, Tax Collector, and Treasurer of Alleghany County and to pay said clerk a salary not to exceed seventy-five dollars (\$75.00) per month; the said clerk shall give bond to be approved by the sheriff and board of commissioners; and the sheriff, tax collector and treasurer shall select said clerk, the commissioners to appoint the person selected by the sheriff.

Clerk for certain offices of Alleghany County authorized.

Salary.

Bond.

Appointment.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 707

### CHAPTER 731

AN ACT TO COMPENSATE THE PARENTS OF PATSY LONG NEWMAN, A MINOR, FOR HER DEATH FROM INJURIES SUSTAINED THROUGH A NEGLIGENT SCHOOL BUS WRECK NEAR CARY, WAKE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State School Commission, or any successor thereto, is hereby authorized and directed to investigate the claim of John U. Newman and wife, Mrs. Thelma Stone Newman, parents of Patsy Long Newman, and upon production of satisfactory proof that the damages claimed occurred through the negligent operation of a school bus, the State School Commission, or any successor thereto, is hereby authorized, empowered and directed to pay or cause to be paid to the said parents of the said Patsy Long Newman such sums as the State School Commission, or any successor thereto, in its discretion deems proper as compensation for the death of the said minor.

Investigation of claim of John U. Newman and wife.

Payment for death of minor child authorized upon certain findings.

No payment in event of contributory negligence.

SEC. 1½. In no event shall the State School Commission, or any successor thereto, pay anything in connection with the claim set forth under Section one above if the investigation thereof should disclose that Patsy Long Newman was guilty of contributory negligence resulting in her death.

SEC. 2. That this Act shall be in force from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 710

## CHAPTER 732

### AN ACT PROVIDING FOR ELECTION OF BENEFITS FOR MEMBERS OF BURIAL ASSOCIATIONS SERVING IN THE MILITARY AND NAVAL FORCES OF THE UNITED STATES.

*The General Assembly of North Carolina do enact:*

Benefits or return of assessments on death of burial association member in Armed Forces.

SECTION 1. If any member of a burial association who is in good standing should die while serving in the military or naval forces of the United States, the spouse, if there is one, or the next of kin in the event there is no spouse, shall be entitled to elect between the benefits prescribed in the by-laws of the burial association and the return of assessments paid into the burial association by the deceased member. Such election must be made within one year from the official notification of death. Acceptance by the spouse or the next of kin of paid-in assessments shall be a complete release to the burial association. In the event the spouse or next of kin shall not elect to receive the paid-in assessments as settlement of all claims against the burial association, then the spouse or next of kin shall be entitled to the benefits prescribed by the by-laws of the burial association at any time the body of the deceased is returned for burial to the territory served by the burial association.

Time for making election.

Effect of acceptance of paid-in assessments.

Right to benefits when body of deceased returned to territory served.

Effect of member in Armed Forces failing to pay assessments.

Provision for reinstatement.

SEC. 2. If a member of a burial association who is in the military or naval forces of the United States fails to pay any assessment, he shall be in bad standing, and unless and until restored, shall not be entitled to benefits. However, the said member shall be reinstated in the burial association upon application made by him at any time until twelve months after his discharge from the military or naval forces of the United States, notwithstanding his physical condition and without the payment of assessments which have become due during his service in the military or naval forces of the United States. Benefits will be in force immediately after such reinstatement.

Death of member in Armed Forces before ratification of Act.

SEC. 3. If a member of a burial association who was in good standing has, before the ratification of this Act, died while serving in the military or naval forces of the United States,

the provisions of Section one of this Act shall be applicable: Provided, the spouse, if there is one, or the next of kin in the event there is no spouse, must elect to receive the paid-in assessments within one year after the ratification of this Act, or be deemed to have elected to receive benefits provided by the by-laws of the burial association.

Time for election.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 715

### CHAPTER 733

AN ACT TO AMEND CHAPTER FORTY-SEVEN, SECTION FIFTEEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, THE SAME BEING SECTION TWO HUNDRED AND TWENTY-THREE (f), VOLUME III, CONSOLIDATED STATUTES SO AS TO AUTHORIZE THE STATE BANKING COMMISSION TO REDUCE THE FEES FOR EXAMINATIONS OF BANKS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the section enacted by Section fifteen, Chapter forty-seven, Public Laws of one thousand nine hundred and twenty-seven, the same being Section two hundred and twenty-three (f), Volume three, Consolidated Statutes be and the same hereby is amended by adding a new paragraph to said section to read as follows:

Sec. 15, Ch. 47, Public Laws, 1927, amended.

“(h) It shall be the duty of the State Banking Commission annually to review the estimated cost of maintaining the office of the Commissioner of Banks and if the estimated fees provided for under paragraphs (a) and (b) shall exceed the estimated cost of maintaining the office of the Commissioner of Banks, then the State Banking Commission may reduce by uniform percentage the fees provided in paragraphs (a) and (b) of this section but not in a percentage greater than twenty-five per cent (25%) nor to an amount which will exceed the surplus resulting from the operation of the office of Commissioner of Banks for the preceding fiscal year. Any reduction made by the State Banking Commission shall be applicable only for the fiscal year in which the action is taken by the State Banking Commission, but this shall not prevent the State Banking Commission from taking action each fiscal year within the limits above prescribed.”

Reduction of fees for examination of banks.

Limitation of reduction.

SEC. 2. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 729

## CHAPTER 734

AN ACT TO AMEND SECTION SEVEN THOUSAND ONE HUNDRED AND NINETY-EIGHT, VOLUME TWO, OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATING TO THE CONTROL AND TREATMENT OF VENEREAL DISEASES.

*The General Assembly of North Carolina do enact:*

C. S. 7198, relating to violation of certain laws as to venereal diseases, amended.

SECTION 1. That Section seven thousand one hundred and ninety-eight, Volume two, of the Consolidated Statutes of one thousand nine hundred and nineteen, be amended by striking out the following portion of said section, "and shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), or by imprisonment for not more than thirty days," and inserting in lieu thereof the following: "and shall be fined or imprisoned, in the discretion of the court."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## H. B. 731

## CHAPTER 735

AN ACT TO AMEND SECTION ONE HUNDRED AND NINETY-ONE (1) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE CORRECTION OF ADOPTION PROCEEDINGS.

*The General Assembly of North Carolina do enact:*

C. S. 191(1) amended.

SECTION 1. That Section one hundred and ninety-one (1) of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding at the end of said section the following:

Correction of adoption proceedings where name of adopting husband or wife omitted by inadvertence.

"Provided, that where a child or children have been duly adopted in North Carolina by a husband or wife and the name of the other spouse of said husband or wife was omitted in said adoption proceedings, and it being made to appear to the court by petition and affidavit of the original petitioner in said adoption proceeding and spouse of said petitioner that the name of said husband or wife of said petitioner was omitted through inadvertence, and that it was the intention of all parties to said proceeding that both the husband or wife of the original petitioner and the petitioner should be the adopting

parties, then, and in that event, the court shall order that the original proceeding be corrected to the end that the husband or wife of the petitioner be made one of the adopting parties, and said order when so made shall have the effect of making said husband or wife one of the adopting parties; that this order shall be made notwithstanding the fact that the adopted child or children have reached their majority, unless said adoptee or adoptees should object to said adoption."

SEC. 2. That all laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 778

### CHAPTER 736

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE PROVIDING FOR ABSENTEE ELECTORS TO VOTE IN GENERAL ELECTIONS SO AS TO PROVIDE FOR THE RETURN OF THE BALLOTS TO THE CHAIRMAN OF THE COUNTY BOARD OF ELECTIONS ISSUING THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section five of Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine be amended by striking out the following portion thereof: "The container envelope, with the ballots enclosed, shall be placed in the return envelope and shall be mailed or delivered by the voter, or some member of his or her immediate family, in person, to the chairman of the county board of elections issuing the ballot," and inserting in lieu thereof the following: "The container envelope, with the ballot enclosed, shall be placed in the return envelope and shall be mailed by the voter to the chairman of the county board of elections issuing the ballot, if the voter is absent from the county. If the voter is within the county at the time he signs the affidavit and marks the ballot, the container envelope, with the ballot enclosed, shall be placed in the return envelope and mailed or delivered by the voter or some member of his or her family in person to the chairman of the county board of elections issuing the ballot."

Sec. 5, Ch. 159, Public Laws, 1939, amended.

Return of absentee ballots.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 793

CHAPTER 737

AN ACT TO LEGALIZE AND VALIDATE CERTAIN OUTSTANDING BONDS OF HENDERSONVILLE GRADED SCHOOL DISTRICT AND TO PROVIDE FOR THE REFUNDING OF SAID BONDS.

*The General Assembly of North Carolina do enact:*

Certain Hendersonville Graded School District bonds validated.

SECTION 1. The outstanding bonds of the aggregate principal amount of two hundred and thirty thousand dollars heretofore issued by the Trustees of Hendersonville Graded Schools in the name of Hendersonville Graded School District and designated "Hendersonville Graded School District Building Bonds" and consisting of two hundred and thirty bonds of the denomination of one thousand dollars each, dated the first day of February, one thousand nine hundred and twenty-five, and payable in installments on February first in each of the years one thousand nine hundred and thirty-one to one thousand nine hundred and fifty-seven, inclusive, and the outstanding bonds of the aggregate principal amount of sixty-four thousand dollars heretofore issued by the Trustees of Hendersonville Graded Schools in the name of Hendersonville Graded School District and designated "School Bonds" and consisting of sixty-four bonds of the denomination of one thousand dollars each, dated the first day of April, one thousand nine hundred and twenty-seven, and payable in installments on April first in each of the years one thousand nine hundred and thirty-one to one thousand nine hundred and fifty-seven, inclusive, and the acts done and proceedings taken for the purpose of issuing said bonds and for the purpose of calling, holding and canvassing the result of any election or elections called and held in said school district for the purpose of determining whether a majority of the qualified voters shall approve the issuance of said bonds or the levy of taxes to provide for their payment, are hereby legalized and validated notwithstanding any lack of power to issue said bonds or to call and hold said election or elections and notwithstanding any defects or irregularities in such acts or proceedings.

Proceedings taken and election held as to issuance of such bonds, validated.

Issuance of refunding bonds authorized.

SEC. 2. The Board of Commissioners of the City of Hendersonville shall have power to issue bonds for the purpose of refunding or funding the principal of or interest on said outstanding bonds or for the purpose of refunding any judgment recovered against said school district for any part of such

principal or interest. Such refunding or funding bonds shall be issued in accordance with the provisions of the Municipal Finance Act, as amended, relating to the issuance of refunding and funding bonds under such Act, and the provisions of the Local Government Act and Acts amendatory thereof and supplemental thereto, except that said refunding or funding bonds shall be issued in the name of and on behalf of said school district and it shall not be necessary to include in the ordinance authorizing said refunding or funding bonds any statement concerning the filing of a debt statement, and, as applied to said refunding or funding bonds, Section two thousand nine hundred and thirty-eight and Section two thousand nine hundred and forty-three of the Municipal Finance Act, as amended, shall be read and understood as if they contained no requirements in respect to such matters.

SEC. 3. For the purpose of paying the principal of and interest on all bonds issued pursuant to this Act, the Board of Commissioners of the City of Hendersonville shall have power to levy annually in accordance with provisions of the ordinances or resolutions passed to provide for the issuance of bonds a special tax ad valorem on all taxable property in the territory which is subject to taxation for the payment of said outstanding bonds, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes levied upon such property.

SEC. 4. It is hereby determined that said outstanding bonds were issued to finance the acquisition of land for, and the erection and equipment of, school buildings necessary for the maintenance of schools in said district for the six month's school term required by the Constitution of North Carolina. The Board of Commissioners of the County of Henderson may, prior to the issuance of any bonds pursuant to this Act, by resolution, determine that said county shall assume the payment of the principal of and interest on said refunding bonds. Any such resolution so adopted shall have the force of contract between said county and the holders of any such refunding or funding bonds. If any such resolution shall be adopted prior to the issuance of such refunding or funding bonds the board of commissioners of said county shall levy annually in accordance with the provisions of such resolution a special tax ad valorem on all taxable property in said county for the purpose of paying the principal of and interest on such refunding or funding bonds as the same shall become due and payable and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which said county is authorized to levy. The assumption of the payment of said bonds by said county shall not relieve the Board of Commissioners of the City of Hendersonville from any duty imposed by Section three of this Act to levy taxes for the payment of said bonds.

Application of  
Municipal Finance  
Act and Local  
Government Act.

Exceptions.

Special tax levy  
for payment of  
such refunding  
bonds authorized.

Purpose of issuance of outstanding bonds.

Assumption of  
payment of re-  
funding bonds  
by Henderson  
County.

Special tax for  
payment of said  
bonds, if  
assumed.

Conflicting laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 798

CHAPTER 738

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, TO AUTHORIZE THE LEASING OF LAKE LURE.

*The General Assembly of North Carolina do enact:*

Ch. 179, Private Laws, 1927, amended.

SECTION 1. That Chapter one hundred and seventy-nine of the Private Laws of one thousand nine hundred and twenty-seven be and the same is hereby amended by adding at the end of said Act, the following:

Officials of Town of Lake Lure authorized to lease Lake Lure.

“SEC. 12. That the mayor and commissioners of said town, in addition to the powers and authority hereinbefore granted, be and they are hereby authorized and empowered to lease from the owners of Lake Lure, located within the corporate limits of said town as herein fixed, the lake known as Lake Lure; to charge fees for fishing in said lake and for the operation of boats thereon; and to fix and collect said fees and charges for said purposes; and to make ordinances penalizing the use of said lake without the payment of said fees and charges so provided by the said town; and to pass and enforce such ordinances, rules and regulations as may be necessary for the protection and safety of persons using the said lake, and for the purpose of maintaining order and proper government within said town.

Powers with respect to Lake.

Acceptance of certain bonds of said Town in payment of certain taxes due Town.

“SEC. 13. That the said mayor and commissioners of said town be and they are hereby authorized and empowered, in their discretion and when they deem it expedient so to do, to accept outstanding bonds of said town which are not barred by the statutes of limitation, whether matured or unmatured, in the payment of taxes levied and due said town for debt service, whether said taxes be due at this time or may later become due said town as a part of its debt service levies: Provided, however, that before the said mayor and commissioners of said town are authorized to accept any of its outstanding unpaid bonds in the payment of said taxes, the party desiring to pay the same with bonds as herein provided shall be required to pay all taxes due by him to the said town which have been levied for general purposes: Provided, further, that all interest coupons, whether past due or not, attached to said

Requirement as to payment of certain other taxes before bonds accepted.

bond or constituting a part thereof which have not previously been surrendered to the town, shall be surrendered with the said bond by the said taxpayer desiring to use said bond for the payment of said taxes, without any charge being made therefor: Provided, further, that if any of said bonds of any series or issue are held by any court of competent jurisdiction to be invalid, then in that event no bonds of any such series or issue shall be accepted hereunder.

Surrender of interest coupons on said bonds.

Bonds held invalid not to be accepted.

“SEC. 14. That a maximum tax rate of two dollars (\$2.00) is hereby fixed for the Town of Lake Lure, and the mayor and commissioners of said town shall not for any and all purposes levy more than said amount upon property within the corporate limits of said town; and this provision to this amendment to the charter of said town shall apply notwithstanding the provisions of any other Act which may be enacted at this session of the General Assembly of North Carolina.

Maximum tax rate.

“SEC. 15. That neither this Act nor any part thereof shall be construed as a ratification of bonds or interest coupons outstanding against said town, nor shall the same operate as an estoppel against the said town or any taxpayer thereof to contest the legality of same.”

Bonds not ratified by this Act.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 799

## CHAPTER 739

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO BONDS OF THE TOWN OF LAKE LURE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter two hundred and five of the Private Laws of one thousand nine hundred and thirty-five be and the same is hereby amended by changing the period at the end of Section one in said Act, after the word “thereof,” to a comma, and adding the following:

Ch. 205, Private Laws, 1935, amended.

“the mayor and commissioners of said town shall be, and they are hereby authorized and empowered, in their discretion, to levy and collect in the usual manner a special tax for the purpose of creating a special fund for the purpose of purchasing and retiring at a substantial discount the said outstanding bonds, and/or interest coupons, which said fund shall

Special tax for retirement of certain bonds.

Bonds not ratified hereby.

be kept in a special fund for said purpose, and shall be used for said purposes and no other; and that this amendment to said Act shall be in no wise construed as a ratification of said bonds, or as an estoppel upon the town or any of its citizens to contest the validity thereof."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 815

CHAPTER 740

AN ACT TO AMEND SECTION FIVE THOUSAND FOUR HUNDRED AND TWELVE OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN IN SO FAR AS THE SAME RELATES TO JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

C. S. 5412, relating to nomination and election of county boards of education, amended.

SECTION 1. That Section five thousand four hundred and twelve of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be and the same is hereby further amended by adding at the end thereof the following:

Provided that the foregoing provisions of said section shall not apply to Jackson County except that the County Board of Education of Jackson County shall be named and appointed by the General Assembly of North Carolina.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 832

CHAPTER 741

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SURRY COUNTY TO INCREASE THE SALARY OF THE REGISTER OF DEEDS.

*The General Assembly of North Carolina do enact:*

Salary of Register of Deeds of Surry County.

SECTION 1. The Board of County Commissioners of Surry County is hereby authorized, in its discretion, to increase the annual salary of the Register of Deeds of Surry County from

three thousand and two hundred dollars (\$3,200.00) to three thousand and six hundred dollars (\$3,600.00), to be paid out of the general fund of the county.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 836

CHAPTER 742

AN ACT TO AMEND SECTION ONE THOUSAND FIVE HUNDRED AND SIXTY-FOUR (1564) OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO THE SALARY OF THE RECORDER OF THE RECORDER'S COURT OF PERQUIMANS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section one thousand five hundred and sixty-four (1564) of the Consolidated Statutes be amended by adding at the end thereof the following:

C. S. 1564 amended.

"Provided, that in Perquimans County the recorder's salary may be increased or decreased during his term, in the discretion of the board of county commissioners, but at no time shall such salary fixed be less than fifty dollars (\$50.00) nor more than seventy-five dollars (\$75.00) per month."

Recorder's salary in Perquimans County.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 838

CHAPTER 743

AN ACT TO REDUCE CERTAIN FEES IN THE RECORDER'S COURT OF ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The solicitor's fee, taxed as part of the costs in the Recorder's Court of Anson County, shall be four dollars (\$4.00). The fee for making an arrest, taxed in the costs of said court, shall be one dollar (\$1.00).

Solicitor's fee in Recorder's Court of Anson County.

Fee for making arrest.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 843

CHAPTER 744

AN ACT TO PROHIBIT THE OPERATION OF POOL TABLES IN PUBLIC PLACES IN YADKIN COUNTY DURING CERTAIN HOURS.

*The General Assembly of North Carolina do enact:*

Operation of pool tables in public places in Yadkin County during certain hours prohibited.

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate or cause to be operated any pool table in any public place in Yadkin County, between the hours of eleven-thirty p. m. on Saturday and six a. m. on Monday.

Violation made misdemeanor.

SEC. 2. Violation of any of the provisions of Section one of this Act shall constitute a misdemeanor, punishable by fine or imprisonment in the discretion of the court.

Application of Act.

SEC. 3. This Act shall apply to Yadkin County only.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 845

CHAPTER 745

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, TO ALLOW THE SHERIFF OR TAX COLLECTOR THE FULL FIVE PER CENT ON ALL TAXES COLLECTED FOR THE COUNTY FOR THE TAX YEARS ONE THOUSAND NINE HUNDRED AND FORTY-TWO AND ONE THOUSAND NINE HUNDRED AND FORTY-THREE AND SUBSEQUENT YEARS.

*The General Assembly of North Carolina do enact:*

Allowance of commissions to Sheriff or Tax Collector of Perquimans County for collection of taxes.

SECTION 1. That the County Commissioners of Perquimans County are hereby authorized, in their discretion, to allow the Sheriff or Tax Collector of Perquimans County, the full five per cent (5%) commission on all taxes collected by him for Perquimans County for the tax years one thousand nine hundred and forty-two and one thousand nine hundred and forty-

three and subsequent years, which shall be in lieu of the commissions set out in Section eight thousand and forty-two (8042), Consolidated Statutes of North Carolina.

SEC. 2. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed only in so far as they relate to Perquimans County. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 846

### CHAPTER 746

AN ACT TO REPEAL CHAPTER NINETY-EIGHT OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE COMMISSION FOR THE IMPROVEMENT OF THE LAWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter ninety-eight of the Public Laws of one thousand nine hundred and thirty-one relating to the creation of the Commission for the Improvement of the Laws is hereby repealed. Ch. 98, Public Laws, 1931, repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 847

### CHAPTER 747

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE WITH THE APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE TO ENTER INTO AND ACT PURSUANT TO AGREEMENTS WITH THE UNITED STATES OR WITH ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF FOR THE PURPOSE OF COORDINATING THE ADMINISTRATION OF TAXES IMPOSED BY THIS STATE, THE UNITED STATES, OR ANY OTHER STATE OR POLITICAL SUBDIVISION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Commissioner of Revenue is hereby authorized, with the approval of the Governor and Council of State, to enter into agreements with the United States Government or any department or agency thereof, or with a State or any Agreements with Federal or other State or local governmental agencies as to collection of taxes.

political subdivision thereof, for the purpose of coördinating the administration and collection of taxes imposed by this State and administered and collected by said Commissioner with taxes imposed by the United States or by any other State or political subdivision thereof.

Certain expenditures and commitments authorized to effectuate such agreements.

SEC. 2. The Commissioner of Revenue with the approval of the Governor and Council of State is authorized and empowered to undertake such commitments and make such expenditures, within the appropriations provided by law, as may be necessary to effectuate such agreements.

Returns to be filed and taxes paid pursuant to such agreements.

SEC. 3. Notwithstanding any other provision of law, returns shall be filed and taxes paid in accordance with the provisions of any agreement entered into pursuant to this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after ratification.

Ratified this the 9th day of March, 1943.

## H. B. 851

## CHAPTER 748

AN ACT TO AUTHORIZE AND ENABLE THE BOARD OF ALDERMEN OF THE TOWN OF BREVARD TO MAKE AN ADJUSTMENT OR SETTLEMENT, UPON AN EQUITABLE BASIS, IN THEIR DISCRETION, OF AN ACCOUNT WHICH IS MORE THAN TWO YEARS OLD.

*The General Assembly of North Carolina do enact:*

Adjustment of certain account against Town of Brevard.

SECTION 1. That the Town of Brevard, through its board of aldermen, is hereby authorized, in its discretion, to make an equitable adjustment of an account against said town, which is more than two years old, the validity of which account is not questioned, but which is outside the two year statutory limitation.

Basis of said account to M. W. Galloway.

SEC. 2. The basis for the above mentioned account, which is, or should be, payable to M. W. Galloway, is for work and services performed for said town under the direction of said board of aldermen and those other officials who serve under said board.

Certain interest to be allowed, if account to be paid.

SEC. 3. That if, in the discretion of said board of aldermen, this account is to be paid, it shall be perfectly permissible, and said board is authorized by the terms hereof, to allow said M. W. Galloway the same rate of interest, when arriving at the total amount due him, as the town may charge the said Galloway on any obligation that he may owe to said town.

SEC. 4. That if and when this account has been approved for payment by the board of aldermen of said town, it shall be lawful to credit said Galloway on any indebtedness which he may owe said town with the amount of principal and interest of said account.

Lawful to credit any debt due Town by Galloway with said account, if account approved.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

H. B. 854

### CHAPTER 749

AN ACT TO PROVIDE FOR THE ELECTION OF A MAYOR AND BOARD OF ALDERMEN IN THE TOWN OF WAYNESVILLE IN HAYWOOD COUNTY AND TO FIX THEIR TERMS OF OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on Tuesday after the first Monday in May, one thousand nine hundred and forty-three, and quadrennially thereafter, there shall be elected by the qualified voters of the Town of Waynesville, in Haywood County, a Mayor and three Aldermen.

Election of Mayor and 3 Aldermen of Town of Waynesville.

SEC. 2. That the persons elected to the offices of Mayor and members of the Board of Aldermen of the Town of Waynesville at the election to be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-three, shall take office on the first Tuesday following their election and shall hold office for a period of four years and until their successors are elected and qualified.

Term of office.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

## S. B. 31

## CHAPTER 750

AN ACT TO AMEND SECTION THREE THOUSAND THREE HUNDRED AND SIXTEEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN RELATING TO THE REGISTRATION OF DEEDS OR AGREEMENTS FOR RIGHTS OF WAYS AND EASEMENTS.

*The General Assembly of North Carolina do enact:*

C. S. 3316  
amended.

SECTION 1. Section three thousand three hundred and sixteen of the Consolidated Statutes is amended by striking out of the section the following:

“Any person, firm, or corporation knowingly and willfully violating this section shall be guilty of a misdemeanor, and each day’s continuance of this violation shall be a separate offense,”

and by inserting in lieu thereof the following:

Failure by  
certain utilities  
to register cer-  
tain deeds, etc.,  
not violation of  
criminal law.

“The failure of electric companies or power companies operating exclusively within this State or electric membership corporations, organized pursuant to Chapter two hundred and ninety-one of the Public Laws of one thousand nine hundred and thirty-five, to record any deeds or agreements for rights of way acquired subsequent to one thousand nine hundred and thirty-five, shall not constitute any violation of any criminal law of the State of North Carolina.

Registration of  
deeds, etc., essen-  
tial to validity  
as against  
creditors, etc.

“No deed, agreement for right of way, or easement of any character shall be valid as against any creditor or purchaser for a valuable consideration but from the registration thereof within the county where the land affected thereby lies.”

SEC. 2. This Act shall become effective upon its ratification.

Ratified this the 10th day of March, 1943.

## S. B. 41

## CHAPTER 751

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-NINE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO ABSENTEE VOTING IN GENERAL ELECTIONS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sec. 2, Ch. 159,  
Public Laws,  
1939, amended.

SECTION 1. That Section two of Chapter one hundred and fifty-nine of the Public Laws of one thousand nine hundred and thirty-nine be amended by adding the following at the end of the first paragraph thereof:

“Provided further, that the thirty days maximum specified in this section above shall not apply to a qualified registered voter who is in the military, naval or other armed forces of the United States, and an application for an absentee ballot from such member of the armed or naval force shall not be required to be made on the form herein prescribed but may be informally made in writing, by card or letter, signed by the voter and mailed direct to the chairman of the county board of elections of the county in which voter resides. Provided further that the provisions of this section shall be in addition to and not exclusive of the method of applying for ballots hereinbefore provided for.”

Application for absentee ballots by members of Armed Forces.

SEC. 2. That Section four of said Act be amended by striking out all of said section, including the affidavits, and that the following section be substituted therefor:

Sec. 4 rewritten.

“SEC. 4. It shall be the duty of the said chairman of the county board of elections to fold the ballots, enclose them in the container return envelope furnished by him, which envelope shall bear on one side thereof, written by said chairman, the name of the voter, the number of the application, and the precinct in which the ballot is to be voted, and on the other side thereof the return address of the chairman together with a printed affidavit as follows:

Container envelopes provided for absentee ballots.

AFFIDAVIT OF ABSENTEE OR SICK VOTER

State of \_\_\_\_\_ County of \_\_\_\_\_  
 I, \_\_\_\_\_, do solemnly swear that I am a resident and qualified voter in \_\_\_\_\_ Precinct, \_\_\_\_\_ County, North Carolina; that I will be absent from my county on the day of the general election on November \_\_\_\_\_; (or that due to illness or physical disability I will be unable to travel to the voting place on election day). I further swear that I made application for this absentee ballot, or same was made for me by some member of my immediate family, and that I marked the ballots enclosed herein, or the same were marked for me in my presence and according to my instructions.

Affidavit of absent voter.

\_\_\_\_\_  
 Signature of voter.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal)

\_\_\_\_\_  
 Signature and title of Officer.

(Acknowledgment of servicemen may be taken before any commissioned officer).”

Sec. 6 amended.

SEC. 3. That Section six of said Act be amended by striking out from the first paragraph thereof the following words: “on

blanks furnished by the State Board of Elections for that purpose."

Sec. 7 rewritten.

SEC. 4. That Section seven of said Act be amended by striking out all of said section and substituting the following in lieu thereof:

Delivery of absentee ballots and list thereof to registrars.

"SEC. 7. On the morning of the day of a general election, the chairman of the county board of elections shall deliver, or cause to be delivered, to each register in the county, a list of all the absentee ballots received by him from absent voters for such precinct, and at the same time there shall be delivered to the registrars all of the absentee container return envelopes unopened for such precinct which the chairman has received back from the voters. The registrar shall post said list of absentee voters in a public place at the polls where it may be inspected by any voter, which list shall be posted by twelve o'clock noon on election day."

List to be posted.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 192

## CHAPTER 752

### AN ACT MAKING AN APPROPRIATION TO THE NORTH CAROLINA STATE ART SOCIETY, INCORPORATED.

Preamble:  
N. C. State Art Society under patronage of State.

WHEREAS, the North Carolina State Art Society, Incorporated, was placed under the patronage and control of the State by Chapter three hundred and fourteen of the Public Laws of one thousand nine hundred and twenty-nine, and the Governor of the State, the Superintendent of Public Instruction and the Attorney General made ex officio members of the board of directors thereof, and the Governor was authorized to appoint four other directors of said society; and

Performing valuable service.

WHEREAS, the North Carolina State Art Society, Incorporated, is performing a valuable and necessary function in promoting art and the appreciation of art with the citizens of this State while acting under the patronage and control of the State; and

Gift to society under will of Robert F. Phifer.

WHEREAS, the future usefulness and value of the North Carolina State Art Society, Incorporated, will be greatly enhanced by the receipt of a large gift to which it may become entitled under the will of Robert F. Phifer, said gift amounting to a sum in excess of one half million dollars (\$500,000.00), and has already been helped by the receipt of the sum of twenty-

seven thousand and five hundred dollars (\$27,500.00) under the will of the said Robert F. Phifer, which sum is now invested in interest producing securities; and

WHEREAS, the present income of the North Carolina State Art Society, Incorporated, is inadequate to provide for the reasonable carrying out of the duties and functions of the same; and

Income of society inadequate.

WHEREAS, heretofore the activities of the North Carolina State Art Society, Incorporated, have been made possible by aid from the Works Projects Administration of the Federal Government, which aid will be shortly withdrawn; and

Aid from W.P. A. to be withdrawn.

WHEREAS, it is desirable and necessary that the activities of the said society be retained by the aid of a reasonable appropriation from the State: Now, therefore,

Desirable to retain activities.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor and Council of State may, in their discretion, allocate from the Contingency and Emergency Fund, from time to time, such amounts, not exceeding two thousand dollars (\$2,000.00) per annum, as may be deemed essential to supplement the revenues and income of the North Carolina State Art Society, Incorporated, in paying the necessary administrative expenses of the same. The said allocations shall be expended only upon budgets submitted to the Budget Bureau and all expenditures thereof shall be subject to the provisions of the Executive Budget Act, Chapter one hundred of the Public Laws of one thousand nine hundred and twenty-nine, and the provisions of the Personnel Act, Chapter two hundred and seventy-seven of the Public Laws of one thousand nine hundred and thirty-one, and Chapter forty-six of the Public Laws of one thousand nine hundred and thirty-three.

Allocation authorized for Society.

Limitation.

Expenditure of allocations.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

## S. B. 217

## CHAPTER 753

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN AS AMENDED AND TO REPEAL CHAPTER ONE HUNDRED AND TWENTY, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE AND SECTION FIVE, CHAPTER TWO HUNDRED AND TWENTY-SIX, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE TO PROVIDE UNIFORM RESIDENCE FOR APPLICANTS FOR ASSISTANCE.

*The General Assembly of North Carolina do enact:*

Sec. 6 (f), Ch. 288, Public Laws, 1937, amended.

SECTION 1. That Section six (f), Chapter two hundred and eighty-eight, Public Laws of one thousand nine hundred and thirty-seven as amended, be further amended by striking out the whole of the first paragraph and substituting in lieu thereof the following:

Residence requirement for old age assistance.

“Has been a resident of this State for one year immediately preceding the date of his application.”

Ch. 120, Public Laws, 1931, and Sec. 5, Ch. 226, Public Laws, 1931, repealed.

SEC. 2. That Chapter one hundred and twenty, Public Laws of one thousand nine hundred and thirty-one and Section five, Chapter two hundred and twenty-six, Public Laws of one thousand nine hundred and thirty-one be, and the same are, hereby repealed.

Conflicting laws repealed.

SEC. 3. All other laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. This Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

## S. B. 240

## CHAPTER 754

AN ACT TO REQUIRE EACH STATE AGENCY OF THE STATE OF NORTH CAROLINA WHICH HAS BEEN CREATED BY STATUTE AND EXERCISES REGULATORY, ADMINISTRATIVE OR SEMI-JUDICIAL FUNCTIONS, TO FILE WITH THE SECRETARY OF STATE, COPIES OF ADMINISTRATIVE RULES AND REGULATIONS OR RULES OF PRACTICE AND PROCEDURE AND AMENDMENTS THERETO.

*The General Assembly of North Carolina do enact:*

Certain State agencies to file administrative regulations or rules of practice with Secretary of State.

SECTION 1. On or before the first day of June of one thousand nine hundred and forty-three, each agency of the State of North Carolina created by statute and authorized to exercise

regulatory, administrative or semi-judicial functions, shall file with the Secretary of State a complete copy of all general administrative rules and regulations or rules of practice and procedure, formulated or adopted by the agency for the performance of its functions or for the exercise of its authority and shall thereafter, immediately upon the adoption of any new general administrative rule or regulation or rule of practice and procedure, or the formulation or adoption of any amendment to any general administrative rule or regulation or rule of practice and procedure, file a copy of the same with the Secretary of State: Provided that nothing contained in this Act shall require any State agency to file in the office of the Secretary of State any rate, service or tariff schedule or order or any administrative rule or regulation referring to any such rate, service or tariff schedule.

New rules and regulations to be filed with Secretary of State upon adoption.

Rate, service or tariff schedules, etc., excepted.

SEC. 2. The general administrative rules and regulations or rules of practice and procedure, formulated or adopted by any of the State agencies, shall remain in full force and effect until the first day of June, one thousand nine hundred and forty-three but thereafter shall be effective only from and after the time a copy is filed with the Secretary of State. For purposes of record, it shall be the duty of the Secretary of State to stamp each rule and regulation as the same is filed, showing thereon the date the same is filed in his office.

After June, 1, 1943, rules effective only after copy filed with Secretary of State.

Date of filing to be shown.

SEC. 3. The Secretary of State, upon the call of the commission created by Resolutions twenty-seven and thirty-four of the General Assembly of one thousand nine hundred and forty-one, or any member of the said commission shall supply copies of said rules and regulations filed in his office, and the said commission or any member thereof, shall have access to any or all of said rules and regulations during any hour that the office of the Secretary of State is open to the public. The said rules and regulations shall be available to any member of the public, but the Secretary of State shall have the authority to charge the usual and customary fee for certified copies thereof.

Copies of such rules to be supplied certain commission.

Available to public.

SEC. 4. That the provisions of this Act shall not be construed as affecting or repealing any provisions in any Act prescribing adoption, promulgation or approval of administrative rules or regulations and rules of practice and procedure, but the provisions of this Act shall be in addition to the provisions which may be contained in any Act with respect to the prescribing, adoption, promulgation or approval of such rules.

Construction of this Act.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

## S. B. 248

## CHAPTER 755

AN ACT TO PLACE THE NORTH CAROLINA SYMPHONY SOCIETY, INCORPORATED, UNDER THE PATRONAGE AND CONTROL OF THE STATE, AND TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO MAKE AN ALLOTMENT FROM THE CONTINGENCY AND EMERGENCY FUND IN AID THEREOF.

Preamble:  
Service of N. C.  
Symphony  
Society.

WHEREAS, the North Carolina Symphony Society, Incorporated, is an organization of citizens of this State interested in making fine music available to the people of the State and promoting interest and appreciation of fine music by the citizenship of the State; and

Non-profit  
organization.

WHEREAS, the said Society is a non-stock, non-profit organization organized by patriotic North Carolinians for the said purpose, and has functioned since one thousand nine hundred and thirty-two by giving two hundred concerts in twenty cities and communities; and

Purposes  
educational.

WHEREAS, the plan and the purposes of the said organization are distinctly educational, particular emphasis being made on increasing the love and appreciation of music by the children of the State, by giving free concerts for the children; and

Patronage of  
State desired.

WHEREAS, it is desired by the members of said Society to place it under the patronage and control of the State, to the end that its permanency may be assured and that the State may to some extent lend financial aid necessary for the support thereof: Now, therefore,

*The General Assembly of North Carolina do enact:*

Membership of  
Board of  
Directors.

SECTION 1. That the governing body of the North Carolina Symphony Society, Incorporated, shall be a board of directors consisting of sixteen members, of which the Governor of the State and the Superintendent of Public Instruction shall be ex officio members, and four other members shall be named by the Governor. The remaining ten directors shall be chosen by the members of the North Carolina Symphony Society, Incorporated, in such manner and at such times as that body shall determine.

Terms of members  
appointed by  
Governor.

SEC. 2. That of the four members first named by the Governor, two shall be appointed for terms of two years each and two for terms of four years each, and subsequent appointments shall be made for terms of four years each.

Adoption of  
by-laws.

SEC. 3. That the said board of directors, when organized under the terms of this Act, shall have authority to adopt bylaws for the Society and said bylaws shall thereafter be subject to change only by a three fifths vote of a quorum of said board of directors.

SEC. 4. That it shall be the duty of the State Auditor to make an annual audit of the accounts of the North Carolina Symphony Society, Incorporated, and make a report thereof to the General Assembly at each of its regular sessions, and the said Society shall be under the patronage and the control of the State.

Annual audits  
by State Auditor.

Reports to Gen-  
eral Assembly.

SEC. 5. That the Governor and Council of State are hereby authorized and empowered to allot a sum not exceeding two thousand dollars (\$2,000.00) a year from the Contingency and Emergency Fund to aid in the carrying on of the activities of the said Society; that all expenditures made by the said Society shall be subject to the Executive Budget Act of North Carolina.

Allocation from  
Contingency and  
Emergency Fund.

SEC. 6. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 7. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 340

## CHAPTER 756

AN ACT TO PROVIDE A WAR BONUS FOR THE PAGES AND OTHER SENATE AND HOUSE OF REPRESENTATIVES EMPLOYEES FOR THE SESSION OF ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

WHEREAS, the work of the employees of the one thousand nine hundred and forty-three General Assembly has been unusually arduous; and

Preamble:  
Work of em-  
ployees of Gen-  
eral Assembly.

WHEREAS, the cost of living has increased tremendously; and

Cost of living  
increased.

WHEREAS, the State has recognized this fact by providing for War Bonuses for State employees; and

War Bonus for  
State employees.

WHEREAS, the General Assembly feels that the salaries of its employees should be increased because of the additional cost of living: Now, therefore,

Salaries of em-  
ployees of  
Assembly should  
be increased.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the employees of the one thousand nine hundred and forty-three General Assembly shall be paid War Bonuses as follows:

War Bonus for  
such employees.

Each page shall be paid fifty cents (50¢) per day. All other employees of the Senate and House of Representatives, except those whose salaries have heretofore been increased by this General Assembly, shall be paid one dollar (\$1.00) per day.

Rate.

Application of  
Act.

SEC. 2. This Act shall apply only to the employees of the one thousand nine hundred and forty-three General Assembly.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 348

CHAPTER 757

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVEN SECTION SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE TO REGULATE SUBSISTENCE ALLOWANCE FOR NECESSARY TRAVEL EXPENSES IN CONNECTION WITH THE WORK OF DEPARTMENTS, INSTITUTIONS OR AGENCIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

Sec. 7, Ch. 107,  
Public Laws,  
1941, as to ex-  
pense allowance  
for State em-  
ployees, amended.

SECTION 1. That Section seven of Chapter one hundred and seven of the Public Laws of one thousand nine hundred and forty-one be and is hereby amended by striking out in line one of the second paragraph the word "four" and figure "4" and inserting in lieu thereof the word "five" and figure "5."

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect on and after April first, one thousand nine hundred and forty-three.

Ratified this the 10th day of March, 1943.

S. B. 357

CHAPTER 758

AN ACT TO EXTEND THE TERM OF OFFICE OF THE POLICE JUDGE AND CITY SOLICITOR IN THE TOWN OF CANTON, HAYWOOD COUNTY, NORTH CAROLINA FOR A PERIOD OF TWO YEARS.

*The General Assembly of North Carolina do enact:*

Terms of Police  
Judge and City  
Solicitor of  
Town of Canton,  
extended.

SECTION 1. That the terms of the Police Judge and the City Solicitor for the Town of Canton, Haywood County, North Carolina are hereby extended for two years from the expiration of their present term of office.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 360

CHAPTER 759

AN ACT TO COMPENSATE THE BOARD OF COMMISSIONERS OF ROWAN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Commissioners of Rowan County are hereby authorized and empowered to set aside annually, out of the general fund of the county, a sum not in excess of two thousand and four hundred dollars (\$2,400.00), same to be devoted towards the payment of compensation of the members of said board other than the chairman. The said board shall fix the per diem compensation and mileage of the members of the board other than the chairman and shall pay same out of the above sum of two thousand and four hundred dollars (\$2,400.00). Compensation of certain members of Board of Commissioners of Rowan County.  
Per diem and mileage.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 361

CHAPTER 760

AN ACT TO EXCLUDE FROM JUVENILE COURTS AND DOMESTIC RELATIONS COURTS JURISDICTION OVER VIOLATIONS OF THE MOTOR VEHICLE LAWS BY PERSONS OVER FIFTEEN YEARS OF AGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. No juvenile court or domestic relations court of this State shall have jurisdiction over any offense involving violation of any of the motor vehicle laws or of any of the laws relating to the operation of motor vehicles on the highways of this State when such offense has been committed by a person over fifteen years of age. Any such offense shall be within the jurisdiction of the court or courts which would have jurisdiction if the offender were over sixteen years of age. Jurisdiction over violations of motor vehicle laws by persons over 15.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 362

### CHAPTER 761

AN ACT TO AMEND HOUSE BILL NUMBER SIX HUNDRED AND SEVENTY-NINE REGULATING SALARIES OF CERTAIN OFFICERS OF WAKE COUNTY, THE SAME HAVING BEEN RATIFIED MARCH FIFTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*The General Assembly of North Carolina do enact:*

Sec. 4, H. B. No. 679 (Ch. 520, Session Laws, 1943), relating to salaries of certain officers of Wake County, amended.

SECTION 1. That Section four of House Bill six hundred and seventy-nine enacted into law by the one thousand nine hundred and forty-third Session of the General Assembly, the same having been ratified March fifth, one thousand nine hundred and forty-three, be, and the same is hereby amended by inserting in line three thereof after the word "of" and before the word "two" the words "not less than." Amend further by inserting in line eight thereof after the word "of" and before the word "two" the words "not less than."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. That this Act shall be in full force and effect, from and after the first day of July, one thousand nine hundred and forty-three.

Ratified this the 10th day of March, 1943.

H. B. 553

### CHAPTER 762

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, THE SAME BEING AN ACT TO PROVIDE UNIFORM WEIGHTS AND MEASURES, AND TO AMEND SECTION FIVE THOUSAND AND EIGHTY-FIVE OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA RELATING TO COTTON WEIGHING.

*The General Assembly of North Carolina do enact:*

Ch. 261, Public Laws, 1927, providing uniform weights and measures, amended.

SECTION 1. Chapter two hundred and sixty-one of the Public Laws of one thousand nine hundred and twenty-seven, as amended by Chapter one hundred and fifty of the Public Laws of one

thousand nine hundred and thirty-one, the same being an Act to provide uniform weights and measures, be and the same hereby is further amended in the following particulars:

(1). Section two of said chapter is hereby amended by adding after the word, "standards" and before the word, "are," in the second sentence thereof, the words, "and approved by the North Carolina Department of Agriculture." Sec. 2, amended.

(2) Amend said chapter further by adding a new section thereto to be numbered fifteen and one half and to read as follows: Ch. 261, Public Laws, 1927, further amended.

"SEC. 15½. Whenever livestock is offered or exposed for sale, or sold by weight at a public livestock market, and livestock shall be weighed by a public weigh master and each individual sale shall be accompanied with a weight certificate in duplicate on which shall be expressed in ink or other indelible substance, the name and address of seller, the kind, number and weight of livestock being offered for sale, or sold, the time of day and date of weighing and the name of weigh master. The information expressed on said certificate shall be announced or otherwise made known immediately preceding the sale, if said sale be by auction." Provision for weighing livestock sold at public livestock market.  
Weight certificates.

SEC. 2. Section five thousand and eighty-five of the Consolidated Statutes of North Carolina be, and the same hereby is, amended by striking out all of the proviso and inserting in lieu thereof the following: C. S. 5085, as to cotton weighing, amended.

"Provided, however, that deductions may be made by the weigher for water, dirt, or other foreign substances on such bag, bale or package of cotton, or for other just cause; but, if such deductions are made, the nature of such deductions shall be indicated upon the principal weight ticket which shall also show the gross weight of the cotton, the amount deducted as tare, and the net weight of said cotton." Deductions for dirt, water, etc.

SEC. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 581

## CHAPTER 763

AN ACT TO AMEND SECTION SEVENTY-SIX, VOLUME ONE, OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AS AMENDED, RELATING TO CONVEYANCES OF REAL PROPERTY OF A DECEDENT BY THE DEVISEES OR HEIRS AT LAW OF SUCH DECEDENT.

*The General Assembly of North Carolina do enact:*

C. S. 76 amended.

SECTION 1. That Section seventy-six, Volume one, of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, be further amended by adding at the end of said section the following:

Judicial sales for partition of decedent's property.

“A judicial sale of real property of a decedent hereafter made under order of a court of competent jurisdiction for partition shall be valid as to creditors, executors, administrators and collectors of such decedent irrespective of the time made. If such sale is made within two years of death of such decedent or before the estate shall have been fully administered, the personal representative of such decedent must be joined as plaintiff or made a party defendant. The court shall in the order of confirmation of any sale made within two years of the death of a decedent set aside such part of the proceeds of sale representing the interest of such decedent for application upon the debts, if any, of the decedent by requiring payment of the same into the hands of such personal representative or of the court itself, to be held by such personal representative or the court subject to claims of creditors for a period of two years from date of death of decedent, or until such estate is fully administered. Personal representatives shall be allowed commissions on only so much of said proceeds of sale, so coming into their hands, as may be necessary to discharge the claims of creditors.”

Personal representative to be party in certain instance.

Proceeds to be set aside for payment of debts in certain instances.

Commissions of personal representative.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 584

## CHAPTER 764

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, WHICH IS AN ACT TO FIX THE SALARIES OF OFFICERS OF YADKIN COUNTY, TO PROVIDE FOR CLERICAL ASSISTANCE FOR THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. Chapter one hundred and eighty of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby amended by adding as a new section the following:

Ch. 180, Public-Local Laws, 1939, amended.

"SEC. 8 (a). The Board of Commissioners of Yadkin County is hereby authorized and empowered to pay, out of the general fund of the county, to the Register of Deeds and the Clerk of the Superior Court of Yadkin County, such sums as, in its discretion, it deems just and adequate, not in excess, however, of the sum of four hundred dollars (\$400.00) annually for each office, to be used by the Register of Deeds and the Clerk of the Superior Court of Yadkin County for the purpose of securing necessary clerical assistance in their offices.

Appropriation authorized for clerical assistance for certain officers of Yadkin County.

"SEC. 8. (b). The Board of Commissioners of Yadkin County is hereby authorized and empowered, in its discretion, to pay out of the general funds of the county to the Sheriff of Yadkin County the sum of four hundred dollars (\$400.00) annually for his office, to be used by the Sheriff of Yadkin County for the purpose of securing necessary clerical assistance in his office."

Appropriation authorized for clerical assistance for Sheriff.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 732

## CHAPTER 765

AN ACT RELATING TO THE PREVENTION OF CRUELTY TO ANIMALS IN WAKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. If any stray animal is brought to the shelter operated by the Wake County Chapter of the Society for the Prevention of Cruelty to Animals (hereinafter designated 'The Chapter') without an identifying license tag or nameplate, the chapter may dispose of said animal in any way it sees fit, upon the following conditions:

Disposition of certain stray animals by Wake County Chapter of S. P. C. A.

Advertisement.

(1) That the chapter shall, as soon as possible after the animal is brought to the shelter, and not later than two days after such time, place an advertisement of that fact in at least one edition of a daily paper having a general circulation in Wake County. Said advertisement shall be directed to all persons having any legal interest in the animal, and shall generally describe the animal. The requirement of advertisement shall not apply when the animal is a dog, cat, or other small domestic animal.

Exception.

No claim by owner in 5 days.

(2) That the owner or other person legally entitled to the possession of said animal does not appear to claim the animal within five days from the time it is brought to the shelter.

Right of owner to reclaim within 6 months of sale.

(3) That if the chapter sells any animal that has not been claimed within the five-day period, the sale shall be subject to the right of the true owner or lienholder or other person legally entitled to the possession of said animal, upon establishing his ownership or right to possession by reasonable proof, to reclaim said animal in the hands of the person to whom the chapter has sold it at any time within six months from the date of said sale. If the animal is not reclaimed within said six-months period, all right, title and interest of the owner, lienholder, or other person entitled to the possession of said animal shall be forfeited. Provided, the chapter may reclaim any animal pursuant to an agreement with the purchaser that the animal may be reclaimed if the purchaser mistreats it or neglects to take proper care of it.

Right forfeited after 6 months.

Right of chapter to reclaim for mistreatment, etc.

Destruction of animals in certain cases.

(4) That if any animal is brought to the shelter in a badly wounded or dying condition, and is obviously in great pain, and it appears to the manager of the shelter or to a special humane officer that said animal is in such a hopeless condition that it should be immediately relieved of its suffering, said manager or special humane officer is hereby authorized immediately to destroy said animal.

Destruction of certain abandoned animals.

SEC. 2. It shall be lawful for, and the duty of, a special humane officer or deputy sheriff, or any person designated by either of them, to destroy any animal abandoned in the City of Raleigh or in Wake County which is seriously sick, disabled, infirm, or crippled. An animal shall be deemed to be abandoned within the meaning of this section if the owner cannot be identified after reasonable search, inquiry, and investigation. Such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and the owner, after notice, shall provide suitable care for such animal, or upon refusal of such owner to so provide, such officer may provide suitable care for such

Provision for care of sick, mistreated, etc., animals.

Notice to owner.

animal until it is deemed to be in a suitable condition to be delivered to the owner, and any necessary expenses which may be incurred by such officer for taking care of and keeping the same shall be paid by the owner before the same can be lawfully recovered.

Expense to be paid by owner.

SEC. 3. Every animal which is found upon examination by a licensed veterinarian to be unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, with no reasonable probability of ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same, humanely destroyed within twelve hours after being notified by any special humane officer appointed by the Commissioners of the City of Raleigh or by any deputy sheriff of Wake County, to kill the same, and such owner, possessor, or person wilfully omitting or refusing to comply with the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days, and after such conviction the court or magistrate having jurisdiction of such offense shall order any special humane officer or deputy sheriff or person designated by said special humane officer, to immediately destroy such animal; provided, that this shall not apply to such owner maintaining any old or diseased animal with proper care.

Destruction of animals physically unfit for their normal employment.

Wilful omission or refusal made misdemeanor.

Punishment.

Exception.

SEC. 4. Whoever knowingly offers for sale or sells any horse or mule, which by reason of debility, disease or lameness, or for other cause, could not be worked without violating the laws against cruelty to animals, shall be guilty of a misdemeanor and punished by fine or imprisonment or both, in the discretion of the court. Provided, this section shall not apply to the sale of an animal which, at the time of sale, is only temporarily lame, disabled or diseased, and may reasonably be expected to recover from such lameness, disability or disease.

Sale of certain diseased, etc. animals made misdemeanor.

Exception.

SEC. 5. The Board of County Commissioners of Wake County is hereby authorized to designate some proper person or agency who maintains adequate facilities for the confinement and care of animals, which person or agency shall receive, care for and board such animals for such period as the board of commissioners may prescribe. For such boarding services, the board is hereby authorized to pay reasonable compensation to the person or agency so designated.

Designation of agency for care of animals.

Compensation.

SEC. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

## H. B. 739

## CHAPTER 766

AN ACT FOR THE RELIEF OF LULA DEESE, ROBERTA DEESE, JEANETTE DEESE AND KEITH DEESE, AND TO REIMBURSE ROBERT H. DEESE FOR DAMAGES TO AUTOMOBILE AND MEDICAL EXPENSES INCURRED THROUGH COLLISION OF ROBERT H. DEESE AUTOMOBILE WITH STATE HIGHWAY PATROL CAR OPERATED BY PATROLMAN R. HAL MANEY IN UNION COUNTY, NORTH CAROLINA ON HIGHWAY NUMBER SEVENTY-FOUR ON OCTOBER FIFTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

## Preamble:

Collision between car of Robert H. Deese and highway patrol car of R. Hal Maney.

WHEREAS, on the fifth day of October, one thousand nine hundred and forty-one, a collision occurred on Highway Number seventy-four in Union County about seven miles West of Monroe, North Carolina, between a highway patrol car operated by Patrolman R. Hal Maney and a private automobile operated by Robert H. Deese in which were the members of the family of Robert H. Deese including Lula Deese, wife of Robert H. Deese, Roberta and Jeanette Deese, daughters of Robert H. Deese, and Keith Deese, son of Robert H. Deese, in which collision Lula Deese received lacerations and bruises to her person, and Jeanette Deese received permanent injuries and painful temporary injuries, and Roberta Deese received a permanent injury and temporary injuries, and Keith Deese received permanent injury and temporary injuries, and Robert H. Deese suffered damage to his car and incurred medical and hospital expenses and has the prospect of having to pay additional dental and medical and surgical expenses; and

Damages and injuries of Deese and family.

WHEREAS, the collision was caused by the negligent operation of said State Highway Patrol car by Patrolman R. Hal Maney, then patrolling said State Highway in the performance of his duties as patrolman; and

Collision caused by negligence by Maney.

Amount of damages.

WHEREAS, it appears that the damage suffered by Robert H. Deese to his car and for medical and hospital bills is two hundred and fifty dollars (\$250.00), and the injury to Jeanette Deese, both permanent and temporary is at least five hundred dollars (\$500.00), and the injury to Roberta Deese, both permanent and temporary, is three hundred dollars (\$300.00) and the injury to Keith Deese, both permanent and temporary, is three hundred dollars (\$300.00) and the injury to Lula Deese for temporary injuries is fifty dollars (\$50.00); and

Injuries resulted from careless operation of patrol car.

WHEREAS, all injuries were the direct result of the reckless and careless operation of State Highway Patrol car by an employee of the State of North Carolina; and

No legal action to recover.

WHEREAS, the parties named herein are not authorized by law to recover their losses by legal action against the State of North Carolina; and

WHEREAS, there is thus no remedy to secure proper reimbursement and proper compensation by said parties for their respective losses; and

No remedy to secure reimbursement.

WHEREAS, it is just and proper that said parties should be compensated and reimbursed for their respective losses: Now, therefore,

Proper that parties be compensated.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of one thousand and four hundred dollars (\$1,400.00) is hereby appropriated to Robert H. Deese and Lula Deese to be used as follows:

Appropriation to Deese and wife for certain uses.

Fifty dollars (\$50.00) to reimburse and compensate Lula Deese for injury.

Two hundred and fifty dollars (\$250.00) to be used by Robert H. Deese to compensate him for damage to his auto and reimburse him for medical and hospital expenses.

Five hundred dollars (\$500.00) to be used by Robert H. Deese for the use and benefit of his infant daughter, Jeanette Deese, to compensate her for permanent injury and suffering, and provide such further medical care as needed by said Jeanette Deese.

Three hundred dollars (\$300.00) to be used by Robert H. Deese for the use and benefit of his infant daughter, Roberta Deese, to compensate her for permanent injury and suffering, and provide such further dental and medical care as needed by the said Roberta Deese.

Three hundred dollars (\$300.00) to be used by Robert H. Deese for the use and benefit of his minor son, Keith Deese, and to compensate him for permanent injury and suffering.

SEC. 1½. That the State Highway Commission is hereby authorized and empowered to investigate the claims of the said Lula Deese, Roberta Deese, Jeanette Deese, Keith Deese and Robert H. Deese for damages claimed by reason of said wreck, and upon production of satisfactory proof that said damages occurred through the negligent operation of said Highway Patrol Car, said State Highway Commission is thereupon authorized and empowered to pay the damages sustained by said persons not exceeding one thousand and four hundred dollars (\$1,400.00); provided, if the investigation of the claim above referred to should disclose that Robert H. Deese, the driver of the private automobile, was in any respect guilty of contributory negligence, then and in that event no payment whatsoever shall be made hereunder.

Highway Commission authorized to investigate claims.

Payment of damages authorized upon certain findings.

Not to exceed \$1400.00.

No payment if contributing negligence found.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 758

CHAPTER 767

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-FIVE, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATING TO SAFETY IN THE TRANSPORTATION OF SCHOOL CHILDREN OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Sec. 1, Ch. 265,  
Public Laws,  
1925, rewritten.

SECTION 1. That Chapter two hundred and sixty-five, Public Laws of one thousand nine hundred and twenty-five, be amended by striking out Section one and inserting in lieu thereof the following:

Motor vehicles  
to stop for  
school buses in  
certain instances.

“SECTION 1. That every person using, operating, or driving a motor vehicle upon or over the roads or highways of the State of North Carolina, or upon or over any of the streets of any of the incorporated towns and cities of North Carolina, upon approaching from any direction on the same highway any school bus transporting school children to or from school, while such bus is stopped and engaged in receiving or discharging passengers therefrom upon the roads or highways of the State or upon any of the streets of any of the incorporated towns and cities of the State, shall bring such motor vehicle to a full stop before passing or attempting to pass such bus and shall remain stopped until said passengers are received or discharged at that place and until the “stop signal” of such bus has been withdrawn or until such bus has moved on.

Provisions ap-  
plicable only if  
school bus  
marked in cer-  
tain manner.

“The provisions of this section are applicable only in the event the school bus bears upon the front and rear thereof a plainly visible sign containing the words ‘school bus’ in letters not less than five inches in height.”

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 784

## CHAPTER 768

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE TO GIVE THE RECORDER'S COURT OF NASH COUNTY JURISDICTION IN DIVORCE ACTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter one hundred and seventy-six of the Public-Local Laws of one thousand nine hundred and eleven, as amended by Chapter four hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-five, be further amended by adding at the end of Section two of Chapter four hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-five a new subsection to read as follows:

Ch. 176, Public-Local Laws, 1911, amended.

“(e) Concurrent, original and final jurisdiction with the Superior Courts of all actions for divorce.”

Jurisdiction of Recorder's Court of Nash County in divorce actions.

SEC. 2. That Section four of Chapter four hundred and twenty-nine of the Public-Local Laws of one thousand nine hundred and twenty-five be amended by adding at the end thereof, “The jury to try divorce actions shall be twelve in number and may be composed entirely of talesmen to be summoned by order of the recorder in a manner similar to that provided in Section two thousand three hundred and twenty-one of the Consolidated Statutes, and said talesmen shall receive one dollar per day and no mileage, and the recorder, if he thinks the ends of justice demand, may have the pay of said jurors who sit upon the case taxed in the bill of cost against the party required to pay the cost.”

Sec. 4, Ch. 429, Public-Local Laws, 1925, amended.

Jury for divorce actions.

SEC. 3. That Section twenty-one of Chapter one hundred and twenty-six of the Public-Local Laws of one thousand nine hundred and eleven be further amended by adding at the end of said section the words, “If a jury is demanded in any criminal action in this court, the said action shall be immediately transferred to the Superior Court for trial and disposition in that court.”

Sec. 21, Chapter 126, Public-Local Laws, 1911, amended.

Transfer of criminal actions to Superior Court where jury demanded.

SEC. 4. That Section one of Chapter three hundred and fourteen of the Public-Local Laws of one thousand nine hundred and thirty-one be amended by striking out in lines fourteen, fifteen, sixteen, and seventeen the following: “At the same amount paid the recorder of said court, that is, the salary of the recorder and prosecuting attorney shall at all times hereafter be the same.”

Sec. 1, Ch. 314, Public-Local Laws, 1931, amended.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 822

CHAPTER 769

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FIFTY-EIGHT, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE DISBURSEMENT OF STATE SCHOOL FUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section nineteen of Chapter three hundred and fifty-eight of the Public Laws of one thousand nine hundred and thirty-nine be and the same is hereby repealed and the following substituted in lieu thereof:

“SEC. 19. Provision for the disbursement of State funds. The deposits of State funds in the State Treasury to the credit of the county and city administrative units may be made in monthly installments, at such time and in such amounts as may be practicable to meet the needs and necessities of the nine months’ school term in the various county and city administrative units: Provided, that prior to the crediting of any monthly installment, it shall be the duty of the county board of education or the board of trustees to file with the Comptroller of the State Board of Education a certified statement of all expenditures and of all salaries and other obligations that may be due and payable in the succeeding month, said statement to be filed on or before the first day of each month.

When it shall appear to the comptroller from said certified statement that any amounts are due and necessary to be paid, he shall draw a requisition on the State Auditor covering the same; and upon receipt of notice from the State Treasurer showing the amount placed to their credit, the duly constituted authorities may issue State warrants in the amount so certified: Provided, that no funds shall be released for payment of salaries of administrative officers of county or city units if any reports required to be filed with the State school authorities are more than thirty days overdue.”

SEC. 2. This Act shall be in force and effect from and after April first, one thousand nine hundred and forty-three.

Ratified this the 10th day of March, 1943.

Sec. 19, Ch. 358, Public Laws, 1939, rewritten.

Disbursement of State funds to credit of county and city administrative units in monthly installments.

Statement by local units as to all obligations due.

Filing date.

Requisitions for such obligations.

State warrants issued.

Withholding funds for overdue reports.

Effective date.

H. B. 824

## CHAPTER 770

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO APPOINT AN ASSISTANT JUDGE OF THE RECORDER'S COURT OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of County Commissioners of Currituck County be, and it is hereby, authorized and empowered to appoint for a term ending the first Monday in December, one thousand nine hundred and forty-six, an Assistant Judge of Recorder's Court of Currituck County to act in the absence of the regular judge.

Assistant Judge for Currituck County Recorder's Court authorized.

Term.

SEC. 2. That said assistant judge shall have the same jurisdiction, power, and authority in presiding over said court and deciding any matters coming before him as now exercised by the regular judge.

Power and authority of Assistant Judge.

SEC. 3. That the assistant judge of said court shall receive the compensation of the regular judge during such time as he actually presides over said court as judge.

Compensation.

SEC. 4. That Chapter eighty-six of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, repealed.

Ch. 86, Public-Local Laws, 1937, repealed.

SEC. 5. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 826

## CHAPTER 771

AN ACT AMENDING CHAPTER TWO OF THE PUBLIC LAWS, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, THE SAME BEING THE REVENUE BOND ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, SO AS TO EXTEND THE TIME FOR ISSUANCE OF REVENUE BONDS BY MUNICIPALITIES OF BRUNSWICK AND ONSLOW COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section eleven of Chapter two, Public Laws of the Extra Session of one thousand nine hundred and thirty-eight, as amended by Chapter two hundred and seven of the Public Laws of one thousand nine hundred and forty-one, be

Sec. 11, Ch. 2, Public Laws, Extra Session, 1938, being the Revenue Bond Act, amended.

and the same is hereby amended by striking out the words, "one thousand nine hundred and forty-three" in said section and by inserting in lieu thereof the words, "one thousand nine hundred and forty-five."

Application of Act.

SEC. 2. That this Act shall apply only to municipalities in the Counties of Brunswick and Onslow; Provided, however, that the authority of municipalities in Brunswick and Onslow Counties to issue revenue bonds after March first, one thousand nine hundred and forty-three, under Chapter two, Public Laws of the Extra Session of one thousand nine hundred and thirty-eight, as amended by Chapter two hundred and seven of the Public Laws of one thousand nine hundred and forty-one, and as amended by this Act, shall be limited to the Town of Jacksonville in Onslow County for the purpose of financing the construction or extension of its municipal water or sewer system, and shall likewise be limited to the Town of Southport in Brunswick County for the purpose of financing the construction or extension of its electric transmission or distribution lines for the purpose of rendering electric service to Fort Caswell and vicinity."

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 840

## CHAPTER 772

### AN ACT TO GIVE TO THE RECORDER'S COURT OF BERTIE COUNTY JURISDICTION IN DIVORCE ACTIONS.

*The General Assembly of North Carolina do enact:*

Jurisdiction of Recorder's Court of Bertie County in divorce actions.

SECTION 1. The Recorder's Court of Bertie County is hereby vested with and shall exercise concurrent, original and final jurisdiction with the Superior Court on all actions for divorce.

Jury for divorce actions.

SEC. 2. The jury to try divorce actions authorized in Section one hereof, shall be twelve (12) in number and may be composed entirely of talesmen to be summoned by order of the Recorder in a manner similar to that provided in Section two thousand three hundred and twenty-one of the Consolidated Statutes of one thousand nine hundred and nineteen, and said talesmen shall receive one dollar (\$1.00) per day and no mileage, to be taxed as in divorce cases in the Superior Court.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 842

CHAPTER 773

AN ACT TO AUTHORIZE THE STATE SCHOOL COMMISSION TO PAY JAMES ORMESBY COMPENSATION FOR DAMAGES RESULTING FROM A COLLISION BETWEEN AN AUTOMOBILE OWNED BY JAMES ORMESBY AND A SCHOOL BUS.

WHEREAS, on November twentieth, one thousand nine hundred and forty-two, a collision occurred on North Carolina Highway Number one hundred and nine, South of Wadesboro, between an automobile owned by James Ormesby and driven by Boyce Baker and a school bus driven by Cecil Huntley; and

Preamble :  
Collision between school bus and car of James Ormesby.

WHEREAS, damage was done to the Ormesby automobile in the amount of some two hundred and fifty dollars (\$250.00); and

Damage to Ormesby car.

WHEREAS, it is just and proper that the said James Ormesby be at least partially recompensed for said damage: Now, therefore,

Reimbursement proper.

*The General Assembly of North Carolina do enact :*

SECTION 1. The State School Commission is hereby authorized, in its discretion, after making an investigation of all facts and circumstances of said collision, to pay to the said James Ormesby such amount as may to it seem just and equitable not to exceed one hundred and twenty-five dollars (\$125.00) as compensation for damages to his automobile in said collision; provided, that if the investigation of this claim discloses that the driver of the Ormesby car was guilty of contributory negligence no payment hereunder shall be made.

Reimbursement authorized after investigation.

Not to exceed \$125.00.

No payment if contributory negligence found.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 852

## CHAPTER 774

AN ACT TO AUTHORIZE THE YADKIN COUNTY BOARD  
OF COMMISSIONERS TO PAY AN ANNUAL SALARY  
TO THE CHIEF DEPUTY SHERIFF AND JAILER.*The General Assembly of North Carolina do enact:*Salary of Chief  
Deputy Sheriff  
and Jailer of  
Yadkin County.

SECTION 1. The Board of County Commissioners of Yadkin County is hereby authorized to pay W. E. Wishon, Chief Deputy Sheriff and Jailer of Yadkin County, an annual salary of six hundred dollars (\$600.00), said salary to be paid out of the general fund of the county in equal monthly installments and to be in addition to all other fees or compensation received by said chief deputy sheriff and jailer.

Conflicting laws  
repealed.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 3. This Act shall be in full force and effect from and after April first, one thousand nine hundred and forty-three.

Ratified this the 10th day of March, 1943.

H. B. 856

## CHAPTER 775

AN ACT TO AMEND SECTION FIVE THOUSAND AND  
FOUR OF THE CONSOLIDATED STATUTES RELAT-  
ING TO THE STATE BOARD OF CHARITIES AND PUB-  
LIC WELFARE.*The General Assembly of North Carolina do enact:*C. S. 5004  
rewritten.

SECTION 1. Section five thousand and four of the Consolidated Statutes, as amended, is hereby further amended by rewriting said section to read as follows:

Appointment of  
The State Board  
of Charities and  
Public Welfare  
by Governor.

“SEC. 5004. Appointment and term of office. There shall be appointed by the Governor seven members who shall be styled ‘The State Board of Charities and Public Welfare,’ and at least one of such persons shall be a woman. The terms of office of the members of the board shall be six years. Upon the expiration of the terms of office of the present members of the board, the Governor shall appoint their successors as follows: three members to be appointed on April first, one thousand nine hundred and forty-three and every six years thereafter; two members to be appointed on April first, one thousand nine hundred and forty-five and every six years thereafter; and two members to be appointed on April first, one thousand nine hundred and forty-seven and every six years thereafter. Any vacancy in the board at present or which may hereafter arise from any cause whatsoever shall be filled for the residue of the term by appointment by the Governor. The Governor shall

Terms of  
office.

Vacancies.

designate the chairman of the board so selected, which chairmanship so designated may be changed as the Governor may deem best to promote the efficiency of the service. The members of the board shall serve without pay, except that they shall receive their necessary expenses: Provided, however, that the chairman of the said board, when acting as a member of the State Board of Allotments and Appeal shall receive a per diem to be fixed by the Director of the Budget, together with actual expenses incurred in attending meetings."

Governor to designate chairman.

Board to serve without pay, except expenses.

Chairman to receive per diem and expenses when acting in certain capacity.

SEC. 2. All appointments of members of the State Board of Charities and Public Welfare heretofore made by the Governor are hereby ratified and confirmed, and all acts of the board heretofore done are hereby validated and given the same force and effect as if said members of the board had been selected in the manner heretofore provided by Section five thousand and four of the Consolidated Statutes, as amended.

Appointments heretofore made confirmed.

Acts of Board validated.

SEC. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 225

## CHAPTER 776

AN ACT TO AMEND ARTICLE XIII OF CHAPTER NINETY-SIX AND CHAPTER ONE HUNDRED AND TWENTY-ONE OF THE CONSOLIDATED STATUTES, AS AMENDED, AND CHAPTER TWO HUNDRED AND NINETEEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AS AMENDED, RELATING TO THE MANAGEMENT OF THE STONEWALL JACKSON MANUAL TRAINING AND INDUSTRIAL SCHOOL, THE EASTERN CAROLINA INDUSTRIAL SCHOOL FOR BOYS, THE INDUSTRIAL FARM COLONY FOR WOMEN, THE STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS, AND THE MORRISON TRAINING SCHOOL, SO AS TO PROVIDE FOR THE APPOINTMENT OF A UNIFIED BOARD OF DIRECTORS FOR SUCH INSTITUTIONS AND TO PROVIDE FOR THE APPOINTMENT OF A GENERAL SUPERINTENDENT AND A GENERAL BUSINESS MANAGER THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. The following institutions of this State, to-wit: The Stonewall Jackson Manual Training and Industrial School, the Eastern Carolina Industrial Training School for Boys, the Industrial Farm Colony for Women, the State Home and Indus-

Unified Board of Directors for certain State institutions.

Membership.	trial School for Girls, the Morrison Training School, and the State Training School for Negro Girls, created by House Bill Number two hundred and seventeen, shall be under the management of one board of directors composed of nineteen members, eighteen of whom shall be appointed by the Governor, no two of which eighteen shall be residents of the same county. The board of directors shall be known and designated as "North Carolina Board of Correction and Training."
Residence.	
Title of board.	
Equal sectional representation.	In order that the Western, Central and Eastern sections of the State shall have equal representation on said board, the Governor shall name two women and four men from each of said sections of the State on said board. The members of the board of directors appointed by the Governor shall be divided into six classes of three directors each, the first class to serve for a period of one year, the second class to serve for a period of two years, the third class to serve for a period of three years, the fourth class to serve for a period of four years, the fifth class to serve for a period of five years, the sixth class to serve for a period of six years, and at the expiration of their respective terms of office all appointments shall be for a term of six years, except such as are made to fill unexpired terms. The Commissioner of Public Welfare shall be an ex officio member of said board of directors. The Governor shall transmit to the Senate at the next Session of the General Assembly, for confirmation, the names of the persons appointed by him. All acts done by members of the board of directors after appointment and before confirmation of appointment by the General Assembly shall be of the same force and effect and as valid as if the appointment of said members had been confirmed by the General Assembly. Ten directors shall constitute a quorum, except where three are by law engaged to act for special purposes.
Classes of directors.	
Terms.	
Confirmation by Assembly.	
Acts done after appointment and before confirmation valid.	
Quorum.	
Vacancies.	In case of a vacancy or vacancies in the board of directors for any cause, his or her successor or successors shall be appointed by the Governor and the appointment shall be reported to the next succeeding Session of the Senate of the General Assembly of North Carolina for confirmation.
Removal for cause.	Members of the board shall serve for terms as prescribed above, and until their successors are appointed and qualified. The Governor shall have the power to remove any member of the Board for cause whenever in his opinion it is to the best interest of the State to remove such person.

SEC. 2. Wherever in any of the sections in Article thirteen of Chapter ninety-six of Volume III of the Consolidated Statutes, as amended, or in any of the sections of Chapter one hundred and twenty-one of the Consolidated Statutes, as amended, or in any of the sections of Chapter two hundred and nineteen of the Public Laws of one thousand nine hundred

and twenty-seven, as amended, or in any other laws of this State, the words "Board of Directors," "Board of Trustees," "Board of Managers," "Directors," "Trustees," "Managers," or "Board" are used with reference to the governing body or bodies of the institutions enumerated in Section one of this Act, the same shall mean the unified board of directors provided for in said Section one, and it shall be construed that the unified board of directors of the said institution shall succeed to, exercise and perform all the powers conferred and duties imposed heretofore upon the separate boards of directors, trustees or managers of the several institutions herein mentioned and said powers and duties shall be exercised and performed as to each of the institutions by the unified board of directors herein provided for; and the said board shall be responsible for the management of the said institutions and the disbursement of appropriations made for the maintenance and permanent enlargement and repairs of the said institutions, subject to the provisions of the Executive Budget Act, and said board shall make an annual report to the Governor, and oftener if called for by him of the condition of each of the said institutions and shall make biennial reports to the Governor, to be transmitted by him to the General Assembly, of all moneys received and disbursed by each of said institutions.

References to governing bodies of institutions named herein construed to refer to unified board.

Unified board succeeds to powers and duties of said governing bodies.

Management of said institutions.

Disbursement of appropriations.

Reports to Governor.

SEC. 3. It shall be the duty of the board of directors herein provided for to select and appoint from its number a building committee, who shall be specially charged with the duty of supervision of the buildings to be built or repaired from appropriations made to said institutions by the General Assembly of this State.

Building committee.

Duties.

SEC. 4. The board of directors shall convene four times a year, and said meetings shall be held successively at each of the institutions enumerated in Section one of this Act at a time to be fixed by such board and at such other times as it shall appoint, and investigate the administration and condition of said institutions.

Meetings of board.

SEC. 5. The said board of directors is hereby authorized and given full power to meet and organize and from their number select a chairman and to elect a secretary who may or may not be a member of the board.

Organization of board.

SEC. 6. The superintendent of each of said institutions shall make monthly reports to the general superintendent of correction and training in such manner and detail as the board of directors may prescribe.

Reports of superintendents of included institutions.

SEC. 7. The board of directors shall at their first meeting select from their number for each of said institutions an executive committee of at least three members. The duties of the executive committees shall be prescribed by the board.

Executive Committee.

Duties.

## By-laws.

SEC. 8. The board of directors shall make all necessary bylaws and regulations for the government of each of said institutions.

## Commissioner of Correction.

## Salary and duties.

## Qualifications.

## Term.

## Full time employee.

SEC. 9. The board of directors is hereby authorized and given full power to employ a Commissioner of Correction for the institutions enumerated in Section one of this Act and prescribe his duties, and fix his salary, subject to the approval of the Director of the Budget. The said commissioner shall be a person of demonstrated executive ability and shall have had special education, training and experience in welfare and correctional work, or work along substantially similar lines, such as to render such person in all respects qualified to discharge the duties of such position, and he shall be a person of good character. He shall be employed for a period of two years from and after the date of his selection, unless sooner removed therefrom by the board for incompetence or misconduct. He shall devote his full time to the duties of his employment and shall hold no office except that he shall serve as secretary to the board of directors, if the board so orders.

## Clerical assistance for Commissioner.

## Salary and office expense, etc., of Commissioner prorated among included institutions.

## Office space.

The board of directors shall provide the said commissioner with such stenographic and clerical assistance as it may deem necessary. The salary of said commissioner and the expenses incident to equipping and maintaining his office, including stenographic and clerical assistance, shall be paid out of the appropriations made to the several institutions herein mentioned and on such pro rata basis as the board of directors shall in their judgment fix and determine. Upon the request of the board of directors the State Board of Public Buildings and Grounds shall provide suitable office space in the City of Raleigh for said commissioner.

## General business manager.

## Salary.

## Duties.

## Qualifications.

## Supervision of fiscal management and physical properties.

## Supervision over certain employees.

SEC. 10. The board of directors is hereby organized and given full power to employ a general business manager for the institutions enumerated in Section one of this Act, and to fix his salary, subject to the approval of the Director of the Budget. Subject to the supervision, direction and control of the board of directors, the said general business manager shall perform the duties set out in this section and all other duties which the board of directors may prescribe. The said general business manager shall be a person of demonstrated executive and business ability who shall have had training and experience in fiscal administration and in the management of physical plants, properties and equipment of public institutions or comparable enterprises, and he shall be a person of good character and otherwise qualified to discharge his duties. Under the direction of said board, said general manager shall have full supervision over the fiscal management and over the management and control of the physical properties and equipment of the institutions enumerated in said Section one of this Act. All personnel or employees of said institutions engaged in any aspect of the business management or supervision of the prop-

erties or equipment of any of said institutions shall be responsible to and subject to the supervision and direction of said general business manager with respect to the performance or exercise of any duties or powers of business management or financial administration.

The said general business manager shall be employed for a period of two years from and after the time of his selection, unless sooner removed by the board for incompetence or misconduct. He shall devote his full time to the duties of his employment and shall hold no other office or position of employment.

The board of directors shall provide the said general business manager with such stenographic and clerical assistance as it may deem necessary. The salary of said business manager and the expenses incident to equipping and maintaining his office, including stenographic and clerical assistance, shall be paid out of the appropriations made to the several institutions hereinbefore mentioned and on such pro rata basis as the board of directors shall in its judgment fix and determine. Upon the request of the board of directors the State Board of Public Buildings and Grounds shall provide suitable office space in the City of Raleigh for said general business manager in conjunction with the office space provided for the Commissioner of Correction hereinbefore provided for.

SEC. 11. (a) Section five thousand nine hundred and twelve (b) of the Consolidated Statutes as amended by Section six of Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five, Chapter sixty-three of the Public Laws of one thousand nine hundred and twenty-seven and Chapter two hundred and forty-one of the Public Laws of one thousand nine hundred and forty-one is hereby repealed.

(b) Section five thousand nine hundred and twelve (c) of Volume III of the Consolidated Statutes is hereby amended by repealing the first sentence of said section.

SEC. 12. (a) Section seven thousand three hundred and thirteen of the Consolidated Statutes as amended by Section one of Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five is hereby amended by rewriting said section to read as follows:

“SEC. 7313. The Stonewall Jackson Manual Training and Industrial School is hereby created a corporation, and as such corporation it is authorized and empowered to accept and use donations and appropriations and to do all other things necessary and requisite to be done in furtherance of the purpose of its organization and existence as hereinafter set forth.”

Term.

Full time employee.

Clerical assistance for general business manager.

Salary and office expense, etc., of said business manager prorated among included institutions.

Office space.

C. S. 5912(b) repealed.

C. S. 5912(c), vol. 3, amended.

C. S. 7313 rewritten.

Stonewall Jackson Manual Training and Industrial School created a corporation.

Certain powers.

C. S. 7316  
repealed.

(b) Section seven thousand three hundred and sixteen of the Consolidated Statutes as amended by Section two of Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five is hereby repealed.

C. S. 7330  
repealed.

SEC. 13. Section seven thousand three hundred and thirty of the Consolidated Statutes as amended by Section four of Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five and Chapter two hundred and seventy-nine of the Public Laws of one thousand nine hundred and twenty-nine is hereby repealed.

Sec. 2, Ch. 219,  
Public Laws,  
1927, repealed.

SEC. 14. Section two of Chapter two hundred and nineteen of the Public Laws of one thousand nine hundred and twenty-seven is hereby repealed.

C. S. 7362 (b),  
vol. 3, repealed.

SEC. 15. Section seven thousand three hundred and sixty-two (b) of Volume III of the Consolidated Statutes as amended by Section five of Chapter three hundred and six of the Public Laws of one thousand nine hundred and twenty-five and Chapter one hundred and forty-four of the Public Laws of one thousand nine hundred and twenty-seven is hereby repealed.

Compensation of  
members of board.

SEC. 16. The members of the board of directors shall be paid the sum of seven dollars (\$7.00) per day and actual expenses while engaged in the discharge of their official duties.

Conflicting laws  
repealed.

SEC. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Effective date.

SEC. 18. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Ratified this the 10th day of March, 1943.

S. B. 280

## CHAPTER 777

AN ACT TO REPEAL THE SPECIAL ELECTION OF THE WASHINGTON SCHOOL ADMINISTRATIVE UNIT PROVIDING FOR A NINE MONTHS SCHOOL TERM.

*The General Assembly of North Carolina do enact:*

Authority for  
Washington City  
Administrative  
Unit extending  
school term  
repealed.

SECTION 1. By virtue of an Act duly ratified by the General Assembly of North Carolina providing for a State-wide nine months school term, the necessity ceases to exist for the Washington City Administrative Unit to make provision for extending its school term and such authority is hereby repealed.

Limitation of  
tax to supplement  
school  
funds.

SEC. 2. The tax authorized to be levied pursuant to the election held July, one thousand nine hundred and forty-two, to extend the term and supplement the school funds for the Washington City Administrative Unit in Beaufort County, North Carolina, shall after July first, one thousand nine hun-

dred and forty-three, not exceed five cents on the one hundred dollars (\$100.00) valuation to supplement school funds and no tax shall be levied pursuant to said election to extend the term for the ninth month.

No tax to extend term for ninth month.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-three.

Effective date.

Ratified this the 10th day of March, 1943.

S. B. 305

CHAPTER 778

AN ACT TO AUTHORIZE THE GOVERNOR, WITH THE APPROVAL OF THE COUNCIL OF STATE, TO ALLOCATE FUNDS FOR THE PURPOSE OF COMPLETING THE ESTABLISHMENT OF THE VOCATIONAL TEXTILE SCHOOL AT BELMONT IN ORDER THAT SAME MAY BE PLACED IN OPERATION AS SOON AS POSSIBLE.

Preamble:  
Establishment of vocational textile school in Piedmont Section authorized in 1941.

WHEREAS, the General Assembly of one thousand nine hundred and forty-one authorized the establishment of a vocational textile school in the Piedmont Section of North Carolina and authorized the allocation of certain funds for the purpose of erecting buildings for said school; and

Allocation of funds.

WHEREAS, it was decided to locate said school at Belmont, North Carolina, in Gaston County; and

To be located at Belmont.

WHEREAS, the funds authorized to be allocated have been expended in the construction of the necessary building to house said school; and

Funds expended in constructing building.

WHEREAS, it was anticipated at the time said building was constructed that sufficient machinery and equipment could be secured from textile manufacturers and textile machinery manufacturers to equip said building in order to place said school in operation; and

Plan for securing machinery and equipment.

WHEREAS, a definite commitment had been secured from the Works Progress Administration that sufficient labor would be furnished in order to grade the grounds, lay out driveways, and do various and sundry other things which would be necessary in order to place said school in operation; and

Commitment from W. P. A. for certain labor.

WHEREAS, due to war conditions, the Works Progress Administration commitment has been canceled, and full compliance by the textile manufacturers and textile machinery manufacturers has been prevented; and

W. P. A. commitment cancelled.  
Full compliance by textile manufacturers prevented.

Certain equip-  
ment purchased  
with Federal  
funds available,  
if used immedi-  
ately.

WHEREAS, thirty-two thousand and seven hundred dollars (\$32,700.00) worth of machine shop equipment has been purchased with Federal defense funds for use in this building, contingent upon its being used immediately, and which machinery will be transferred to some other school unless the school is put into operation; and

Investment  
jeopardized if  
not placed in  
operation.

WHEREAS, if said school is not placed in operation within the near future, the building itself will deteriorate and the investment therein will be materially jeopardized; and

Proper to allo-  
cate funds to  
complete project.

WHEREAS, it is necessary and proper that the Governor, with the approval of the Council of State, be authorized to allocate from the Contingency and Emergency Fund an amount sufficient to complete the project and place said school in operation: Now, therefore,

*The General Assembly of North Carolina do enact:*

Allocation au-  
thorized to com-  
plete project, etc.

SECTION 1. That the Governor of North Carolina, with the approval of the Council of State, may allocate from the Contingency and Emergency Fund a sum not to exceed seventy-five thousand dollars (\$75,000.00) for the purpose of completing the project, purchasing the necessary machinery and equipment to put the vocational textile school in operation.

Limitation.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws  
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 794

## CHAPTER 779

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR  
THE SEVERAL COUNTIES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Biennial ap-  
pointment of  
Justices of  
the Peace.

SECTION 1. That the following named persons be, and they are hereby appointed justices of the peace for their respective townships and counties in North Carolina, for a term of six years, except when a different time is named herein; said terms to begin on the first day of April, one thousand nine hundred and forty-three, or when their present terms expire: Provided, that they may qualify at any time within ninety days after the first day of April, one thousand nine hundred and forty-three.

Term.

Qualification.

## ALEXANDER COUNTY

Alexander  
County.

Ellendale Township—Carl Moose.  
 Sharp's Township Number one—Pless McClean.  
 Sharp's Township Number two—Sam Huneycutt.  
 Sugar Loaf Township—Perry Crouch.  
 Wittenberg Township—Perry Stafford.

## ALLEGHANY COUNTY

Alleghany  
County.

Cranberry Township—F. O. Richardson.  
 Gap Civil Township—G. G. Nichols, Ben Wagoner, S. W.  
 Brown.  
 Prather's Creek Township—Glenn Warden.

## ASHE COUNTY

Ashe County.

Chestnut Hill Township—J. A. Carson.  
 Clifton Township—S. W. James, J. E. Osborne, J. E.  
 Dougherty.  
 Elk Township—R. B. Brown, Walter Cook, V. B. Krider.  
 Gassy Creek Township—R. A. Walker.  
 Harrigan Township—L. B. Ham.  
 Helton Township—Charles Anderson, J. E. Roe, I. R. Young.  
 Horse Creek Township—J. O. Stansbery, Martin Ham.  
 Jefferson Township—David Burkett, Walter Pennington, E.  
 A. Waddell.  
 Laurel Township—Bruce Graybeal, T. W. Pennington.  
 North Fork Township—Roby Lewis.  
 Obids Township—F. C. Dillard, Mills Goodman.  
 Old Fields Township—Todd Gentry, Mont Hardin.  
 Peak Creek Township—W. B. Scarborough, James Tucker.  
 Pine Swamp Township—A. H. Church, R. G. Phillips.  
 Piney Creek Township—Boby Blevins.  
 Pond Mountain Township—C. G. Robinson, W. S. Shepard.  
 Walnut Hill Township—C. L. Blevins.  
 West Jefferson Township—F. B. Jones, C. O. Parsons, A. F.  
 Rose.

## AVERY COUNTY

Avery County.

Altamont Township—P. L. Johnson.  
 Banner Elk Township—J. H. Voncannon.  
 Beech Mountain Township—Roy McGuire, A. I. Greene,  
 George Harmon.  
 Cranberry Township—J. N. Winter, Harry Young, Barney  
 Teaster, L. D. Woods.  
 Harpers Creek Township—Lewis Crump.  
 Linville Township—John Franklin, J. H. Leach, Bill Ray,  
 Ben Isaacs, Finley Banner, Phil S. Jones, W. G. Boman.  
 Roaring Creek Township—Hobert Hughes, Zellian McCoury.  
 Toe River Township—Bill Ollis, D. Buchanan, Mrs. Arizona  
 Hughes, Dewey Watson.  
 Wilson Creek Township—Adore Coffey.

## Beaufort County.

## BEAUFORT COUNTY

Pantego Township—L. W. Paul.

## Bertie County.

## BERTIE COUNTY

Colerain Township—J. B. Mitchell, Lee O. Perry, George W. Barker, A. J. M. Perry.

Indian Woods Township—E. D. Spruill.

Merry Hill Township—S. A. Adams.

Mitchells Township—G. V. Lassiter, Lacy M. Early, R. L. Wilson.

Roxobel Township—C. H. Roberson, C. C. Tyler.

Snakebite Township—C. D. Bazemore, Walter Hughes.

White's Township—N. S. Askew, W. R. Lawrence.

Windsor Township—Lacy M. Early, A. C. Mitchell, J. G. Mitchell, P. T. Perry, L. S. Mizelle, W. S. Pritchard.

Woodville Township—J. P. Harrington, R. N. Hoggard.

Brunswick  
County.

## BRUNSWICK COUNTY

Lockwoods Folly Township—L. H. Phelps.

Northwest Township—M. B. Chennis, M. S. Ganey.

Shalotte Township—A. P. Millikan, W. M. Carter, D. B. Frink, E. H. Gray.

Smithville Township—Price Furpless, F. E. McRoy.

Buncombe  
County.

## BUNCOMBE COUNTY

Asheville Township—J. D. Dermid.

## Burke County.

## BURKE COUNTY

Icard Township—Edgar Berry, David A. Hutto, C. E. Yoder.

Jonas Ridge Township—Leonard Barrier, R. C. Franklin.

Morganton Township—Arthur P. Causby.

## Camden County.

## CAMDEN COUNTY

Court House Township—S. B. Seymour.

South Mills Township—J. W. Jones.

## Carteret County.

## CARTERET COUNTY

Morehead Township—T. C. Wade (four years).

Straits Township—Richard Leffers (two years).

## Caswell County.

## CASWELL COUNTY

Anderson Township—W. S. Stainback (two years).

Dan River Township—J. W. Powell (two years).

Pelham Township—W. M. Zimmerman (two years).

Stoney Creek Township—W. F. Shaw, J. B. Turner (two years each).

Yanceyville Township—J. O. Gwynn, George A. Anderson, J. A. Murray, C. V. McKinney (two years each).

## CHATHAM COUNTY

Chatham County.

Allbright Township—J. B. Ingle.  
 Gulf Township—W. H. Garner, W. H. Gilmore.  
 Matthews Township—F. E. Womble.  
 New Hope Township—N. J. Wilson.

## CLAY COUNTY

Clay County.

Brasstown Township—John Brendle, Paul Caler.  
 Hayesville Township—Homer Auberry, R. T. Beal, Ben H. Martin.  
 Hiawassee Township—M. B. Cabe, Fred Gribble.  
 Shooting Creek Township—Robert McClure, Fred Moffett.  
 Sweetwater Township—Vance Lovin.  
 Tusquittee Township—C. W. Evans.

## CLEVELAND COUNTY

Cleveland County.

Number Two Township—G. A. Green, R. V. Greene.  
 Number Four Township—J. Lester Herndon.  
 Number Five Township—S. L. Dellinger.  
 Number Six Township—R. L. Ramsey, Zimri Kistler, A. B. C. DePriest.  
 Number Eight Township—W. J. Bridges.  
 Number Nine Township—Shannon H. Blanton.  
 Number Ten Township—M. N. Gantt.

## COLUMBUS COUNTY

Columbus County.

Bolton Township—J. P. Long.  
 Chadbourn Township—Luther Hammond.  
 Tatum Township—W. T. O'Berry, J. H. Inman.  
 Weston Prong Township—W. L. Beasley.  
 Whiteville Township—H. V. Cook.

## CURRITUCK COUNTY

Currituck County.

Crawford Township—G. W. Meiggs, J. P. Morgan.  
 Fruitville Township—D. B. Waterfield.  
 Moyock Township—Luther Coopersmith.  
 Poplar Branch Township—Graham Woodhouse.

## DARE COUNTY

Dare County.

Kennekeet Township—U. G. O'Neal.

## DAVIDSON COUNTY

Davidson County.

Emmons Township—A. S. Miller.

## DAVIE COUNTY

Davie County.

Calahan Township—E. Marvin Keller, W. M. Seaford, C. C. Smoot.  
 Clarksville Township—J. F. Essex, W. R. Ratledge.

Farmington Township—Z. B. Cook, J. F. Johnson, Sam David Smith, B. C. Teague, Charlie Ward.

Fulton Township—J. M. Davis, A. E. Hendrix, Lindsey Luper, Wiley Seaford.

Jerusalem Township—M. L. Call, T. R. Cope, K. L. Cope, J. W. Turner, L. D. Driver.

Mocksville Township—F. R. Leagans, T. I. Caudell, W. R. Wilkins, Will Crofts, H. B. Snider, J. B. Cain.

Shady Grove Township—W. T. Myers, T. F. Bailey, J. G. Orrell, Mrs. Mary T. Robertson.

Duplin County.

DUPLIN COUNTY

Faison Township—B. C. Sellars.

Durham County.

DURHAM COUNTY

Durham Township—E. H. Chappell.

Edgecombe County.

EDGECOMBE COUNTY

Number Five Township—Ruick Gammon.

Franklin County.

FRANKLIN COUNTY

Cedar Rock Township—C. Haywood Harper, T. W. Boone, E. D. Parrish.

Cypress Creek Township—J. A. Boone, Arthur Strickland.

Dunn Township—J. M. Stallings, R. V. Harris, J. A. Ray.

Franklinton Township—G. N. Stell, J. R. Pearce.

Gold Mine Township—J. B. Parrish.

Harris Township—M. L. Fowler, B. F. Wilder, Harry Rogers.

Louisburg Township—H. A. Faulkner, J. L. Palmer, E. C. Perry, W. C. Webb.

Sandy Creek Township—M. C. Gupton.

Gaston County.

GASTON COUNTY

Cherryville Township—A. H. Harmon, A. H. Huss, H. Clay Kiser, L. E. Stroup, R. R. Mauney, S. S. Wacaster.

Crowder's Mountain Township—John R. Mason, M. L. Rhyne.

Dallas Township—H. Aubrey Costner, Gaither D. Frye, S. M. Wilson.

Gastonia Township—R. J. Dellinger, W. V. C. Dalton.

River Bend Township—George D. Jenkins.

Gates County.

GATES COUNTY

Gatesville Township—J. A. Eason.

Hall Township—C. E. Sawyer.

Haslett Township—C. B. Lee.

Holly Grove Township—L. E. McCoy, S. E. Riddick.

Huntersville Township—J. N. Overman.

Mintonville Township—P. L. Hobbs.

Reynoldson Township—E. S. A. Ellenor, George T. Langston.

## GRAHAM COUNTY

Graham County.

Cheoaf Township—Jack Odom, Walter West, John H. Hyde, Buck Brison.

Stecoah Township—Edward Jenkins, W. J. Hyde, Herman Keever.

Yellow Creek Township—Rice Detmore, Joe Beasley (All for a term of four years).

## GRANVILLE COUNTY

Granville County.

Brassfield Township—A. W. Wheelers, J. R. Gooch.

Dutchville Township—Herbert Lyon, R. G. Stem, I. E. Harris.

Fishing Creek Township—S. J. Pittard, N. C. Brummitt.

Oak Hill Township—R. C. Pittard.

Oxford Township—L. H. Davis.

Sassafras Fork Township—H. H. Hicks, R. T. Gregory, D. T. Winston.

Tallyhoe Township—J. H. Renn.

Walnut Grove Township—H. M. Hobgood, E. D. Gooch.

## GUILFORD COUNTY

Guilford County.

South Washington Township—George Sockwell.

Greene Township—Roy L. Bowman.

## HALIFAX COUNTY

Halifax County.

Enfield Township—George Robert Incy.

## HARNETT COUNTY

Harnett County.

Averasboro Township—O. P. Shell, Percy Hudson.

Barbecue Township—G. L. Cameron.

Black River Township—W. R. Broadwell, A. D. Wilson.

Buckhorn Township—J. D. Champion, L. B. McKinnie, J. Leo Betts, C. S. Cade.

Grove Township—Ralvin McLeod.

Hector's Creek Township—J. O. Cotton, Paul Bradley.

Johnsonville Township—John T. Smith.

Lillington Township—Walter Lee Johnson, J. A. Senter, J. B. Hendley.

Neill's Creek Township—J. W. Gregory, R. L. Poplin.

Stewart's Creek Township—Wayman Melvin, W. H. Byrd.

Upper Little River Township—B. B. Holder, H. M. O'Quinn, W. H. Salmon, E. J. Pipkin.

## HAYWOOD COUNTY

Haywood County.

East Fork Township—Hamilton P. Hicks, Gaston Burnett, J. A. Poston.

Fines Creek Township—Faraday Green, Roy Rogers.

Waynesville Township—J. S. Black.

Henderson  
County.

HENDERSON COUNTY

Hendersonville Township—Guy P. Jordan.

Hertford County.

HERTFORD COUNTY

Ahoskie Township—J. H. Young, W. P. McGloughon, J. C. Brett.

Maney's Neck Township—E. W. Evans, H. McD. Spiers, John C. Taylor.

Murfreesboro Township—F. L. Griffith, R. H. Underwood.

St. John's Township—C. T. White, C. A. Vinson.

Winton Township—W. L. Daniel, P. S. Jordan, George E. Myers.

Hyde County.

HYDE COUNTY

Currituck Township—E. S. Fisher, Dallas S. Daniels.

Fairfield Township—George P. Carter, Dallas Cutrell.

Lake Landing Township—J. T. Midgette, T. J. Ethridge, Lacy W. Gibbs.

Ocracoke Township—Amasa Fulcher.

Swan Quarter Township—C. J. Cahoon, William I. Cochran  
(all for a term of four years).

Iredell County.

IREDELL COUNTY

Coddle Creek Township—H. A. Halstead.

Statesville Township—A. M. Leinster.

Jackson County.

JACKSON COUNTY

Barker's Creek Township—Dee Denton, Lyle Jones.

Canada Township—W. T. Rigdon, Elias Galloway, Mitchell Shelton.

Caney Fork Township—J. C. Shuler, Oscar Lovedahl.

Cashier's Valley Township—C. G. Rogers, T. A. Dillard.

Cullowhee Township—John Phillips, R. L. Knight, T. C. Ledbetter.

Dillsboro Township—Tom Rogers.

Green's Creek Township—G. L. Green, R. S. Cowan, Bragg Allison.

Hamburg Township—W. A. Taylor, Freeman Fowler, W. A. Henson.

Mountain Township—Mrs. Pearl Stewart.

Qualla Township—J. C. Hayes, Ed Hyatt, R. F. Hall.

River Township—Walter Jackson.

Savannah Township—R. O. Higdon, John C. Jones, Richmond Deitz.

Scott's Township—G. C. Crawford, Rickman Henson, Roy Blanton, George Knight.

Sylva Township—Mont Jamison, Charles Evans.

Webster Township—N. D. Davis, Dennis Higdon.

## JOHNSTON COUNTY

Johnston County.

- Banner Township—Monroe Adams, G. W. Cavanaugh, J. E. Wall.  
 Beulah Township—F. A. White.  
 Pleasant Grove Township—Ed S. Coats, Lester Ogburn, Claude Stephenson.  
 Smithfield Township—Cora Belle Ives.

## JONES COUNTY

Jones County.

- Beaver Creek Township—F. W. Pollock, Zeb Jones.  
 Chinquapin Township—E. N. Gilbert, Mike Phillips.  
 Cypress Creek Township—Ralph Jones, Willie Philyaw.  
 Pollocksville Township—T. Foy Simmons, J. S. Hudson, J. B. Simmons.  
 Trenton Township—F. V. Andrews, Sylvester Small.  
 Tucahoe Township—N. D. Westbrook, Cecil Hargett, R. L. Fordham.  
 White Oak Township—C. M. Bynum, A. A. Eubank, C. M. Mattocks (all for a term of four years).

## LINCOLN COUNTY

Lincoln County.

- Catawba Springs Township—E. Carl McIntosh, O. F. Howard, J. L. Nixon.  
 Howards Creek Township—W. O. Houser.  
 Ironton Township—R. S. Keener, D. A. Troutman.  
 Northbrook Township—W. A. Hull, J. Z. Houser, J. C. Martin, George P. Mull.

## MACON COUNTY

Macon County.

- Cartoogechaye Township—John Roane, C. S. Slagle.  
 Cowee Township—R. C. Rickman.  
 Franklin Township—C. A. Setser, Robert L. Stamey.  
 Highlands Township—J. C. Mell.  
 Mill Shoal Township—J. B. Brendle, J. M. Raby.  
 Smithbridge Township—Mallie Cabe.

## MADISON COUNTY

Madison County.

- Number One Township—S. B. Roberts, Robert Teague, Robert Johnson, Oren Rice.  
 Number Two Township—Huey Wallin.  
 Number Three Township—Brack Peek.  
 Number Four Township—Herbert Brown.  
 Number Five Township—Orville Ponder.  
 Number Six Township—Pearson Ball.  
 Number Seven Township—Bacchus Ledford.  
 Number Eight Township—Ray Davis, W. V. Plemmons, Furman Willett.

Number Nine Township—Ira Plemmons, Claude Huff.  
 Number Ten Township—Bailey Rice.  
 Number Eleven Township—Hasby English.  
 Number Twelve Township—Joe Worley.  
 Number Thirteen Township—Ferd Baldwin.  
 Number Fourteen Township—Cline West.  
 Number Fifteen Township—Grant Higgins.  
 Number Sixteen Township—Clive Whitt.

## Martin County.

## MARTIN COUNTY

Bear Grass Township—A. B. Ayers, Senior.  
 Cross Roads Township—C. B. Reddick.  
 Goose Nest Township—J. H. Hopkins.  
 Hamilton Township—J. A. Davenport.  
 Jamesville Township—A. Corey.  
 Robersonville Township—H. S. Everett.  
 Williamston Township—J. L. Hassel.  
 Williams Township—L. J. Hardison.

Mecklenburg  
County.

## MECKLENBURG COUNTY

Charlotte Township—R. Kent Blair, T. J. Gribble, Robert L. Smith, W. E. Smith, C. W. Russell, L. T. Vinesette.  
 Crab Orchard Township—J. L. Carter.  
 DeWeese Township—J. B. Readling.  
 Huntersville Township—E. P. Page.  
 Lemley Township—J. Wilson Alexander.  
 Long Creek Township—Frank Houston.  
 Mallard Creek Township—Baxter Hunter.  
 Morning Star Township—Edward Funderburk.  
 Paw Creek Township—Tom Sadler.  
 Pineville Township—E. E. Howie.  
 Providence Township—Badger Bryant.  
 Sharon Township—J. Mason Wallace.  
 Steele Creek Township—R. R. Grier.

## Mitchell County.

## MITCHELL COUNTY

Bakersville Township—Brown McKinney, John Slagle, Richard Vinson (six years each).  
 Bradshaw Township—F. L. Burnett (two years), D. W. Tipton (four years).  
 Cane Creek Township—L. P. Pitman (four years), John Morgan (six years).  
 Fort Mountain Township—W. F. Gouge (four years).  
 Grassy Creek Township—Reid Queen, C. H. Schism (four years each).  
 Herrell Township—Dewey Ingram (four years), W. D. Ledford (six years).  
 Little Rock Creek Township—S. C. Miller (four years), Aught Burleson (six years).

Poplar Township—Briscoe Peterson, Maynard Peterson (four years each).

Red Hill Township—Jauine Hughes, J. B. Masters (four years each).

Snow Creek Township—Mrs. Pearl Buchanan, Willard Buchanan (four years each).

## MONTGOMERY COUNTY

Montgomery  
County.

Biscoe Township—B. D. Drake.

Candor Township—J. C. McCaskill.

Cheeks Creek Township—W. T. Brewer, D. J. Poole.

Mt. Gilead Township—C. L. Cox, F. L. Andrews.

Ophir Township—N. W. Davis.

Pee Dee Township—Mrs. Glenn L. Lisk.

Star Township—P. L. Harper, T. Alexander Russell.

Troy Township—J. C. Beckwith, A. J. Burrow, Reuben Reynolds.

## MOORE COUNTY

Moore County.

Carthage Township—Hugh P. Kelly.

## NASH COUNTY

Nash County.

Coopers Township—J. C. Taylor.

## ONSLOW COUNTY

Onslow County.

Stump Sound Township—Horace Grant, E. T. Saunders.

Swansboro Township—H. V. Matthews, F. B. Pittman.

White Oak Township—J. E. Freeman (All for a term of two years).

## PENDER COUNTY

Pender County.

Grady Township—Jesse C. Lucas.

## PERSON COUNTY

Person County.

Allensville Township—Jeff O'Briant.

Cunningham Township—N. H. Montgomery.

Holloways Township—W. J. Stigall.

Roxboro Township—W. R. Cates.

## PITT COUNTY

Pitt County.

Ayden Township—R. T. Johnson.

Chicod Township—N. T. Clark.

## POLK COUNTY

Polk County.

Coopers Gap Township—G. C. Greene.

Green Creek Township—Willie Barnett, Earl Swain.

Saluda Township—R. M. Hall, G. W. Pearson.

White Oak Township—J. H. Williams.

## Randolph County.

## RANDOLPH COUNTY

Ashboro Township—R. E. Johnson.  
 Cedar Grove Township—J. L. Moore, Allen Prevost.  
 Columbia Township—G. P. Kivett.  
 Richland Township—R. H. Brown.  
 Trinity Township—A. B. Coltrane.

## Richmond County.

## RICHMOND COUNTY

Rockingham Township—W. L. Adcock, W. E. Harrison,  
 Senior.

## Robeson County.

## ROBESON COUNTY

Fairmont Township—Carson Bullock, Mim Griffin.  
 Lumberton Township—A. P. Page, L. McK. Parker.  
 Parkton Township—Neil A. McMillan.  
 Raft Swamp Township—J. M. Powell.  
 St. Pauls Township—Lonnie Carroll.  
 Wishart's Township—W. V. Connell.

Rockingham  
County.

## ROCKINGHAM COUNTY

Leaksville Township—Russell Hunter, Herman Peters, J.  
 Hoyte Stultz, G. A. Treadway.  
 Madison Township—P. H. Scales.

Rutherford  
County.

## RUTHERFORD COUNTY

Logan Store Township—Orland M. York.  
 Morgan Township—W. J. Hardin.

## Stanly County.

## STANLY COUNTY

Almond Township—T. F. Rowland, D. Walter Sides.  
 Big Lick Township—A. J. Huneycutt.  
 Endy Township—L. H. Bost.  
 Furr Township—Hubert D. Love.  
 Harris Township—W. J. Fisher.  
 Ridenhour Township—G. J. Misenheimer.  
 Tyson Township—E. D. Thompson.

## Stokes County.

## STOKES COUNTY

Big Creek Township—Charles R. Arrington.

## Surry County.

## SURRY COUNTY

Dobson Township—F. F. Riggs.  
 Elkin Township—C. W. Young.  
 Shoals Township—J. A. Allen.

Transylvania  
County.

## TRANSYLVANIA COUNTY

Boyd Township—L. F. Lyday (two years).  
 Brevard Township—  
 Cathey's Creek Township—F. Paxton (two years).

Dunn's Rock Township—Gladstone Whitmire (two years).

Estate Township—A. M. Paxton (four years).

Gloucester Township—Allan McCall (two years), Walter Fisher.

Hogback Township—T. C. McCall, Edgar Reid (two years each).

Little River Township—Paul Roberts, G. D. Shuford (two years each).

#### TYRRELL COUNTY

Tyrrell County.

Gum Neck Township—George W. Everton.

Scuppernong Township—Ellis R. Davenport, W. W. Sawyer.

(All for a term of two years.)

#### UNION COUNTY

Union County.

Buford Township—J. S. Broom, A. M. Eubanks, J. E. Starnes.

Goose Creek Township—Wade Campbell, I. C. Clontz, H. C. Simpson.

Jackson Township—G. H. Burgess, F. A. Krauss, W. J. Sims, J. E. Bigham, J. W. McCall.

Lanes Creek Township—B. A. Rushing.

Marshville Township—Zeb. M. Little, C. W. Barrino, W. O. Harrill.

Monroe Township—P. H. Johnson, C. D. Roberts, W. C. Sanders.

New Salem Township—C. P. Greene, Fred C. Staton, Z. K. Simpson.

Sandy Ridge Township—K. C. Craig.

Vance Township—O. L. Hemby, T. W. Stimson.

#### VANCE COUNTY

Vance County.

Dabney Township—L. W. Burroughs.

Henderson Township—J. M. Mitchell, C. P. Lowery, R. N. Gupton, Fred B. Hight, S. B. Rogers, C. S. Wester.

Kittrell Township—T. T. Ellis, A. B. Pleasants.

Middleburg Township—R. L. Bennett, J. R. Carroll, B. S. Parham, A. P. Paschall, E. L. Fleming.

Sandy Creek Township—W. J. Bowen.

Townsville Township—R. B. Taylor.

Watkins Township—R. G. Cawthorne.

Williamsboro Township—J. H. Rice.

#### WARREN COUNTY

Warren County.

Fishing Creek Township—Amos L. Capps.

Fork Township—B. G. Tharrington.

Hawtree Township—H. L. Coleman.

Judkins Township—H. O. Fishel, Jesse Shearin.

Nutbush Township—T. J. Ellington, L. O. Reavis.

River Township—E. G. King, H. L. Salmon.

Roanoke Township—Sidney Jones.

Sandy Creek Township—J. E. Moseley.  
 Shocco Township—D. P. Limer.  
 Smith Creek Township—J. C. Hardy.  
 Warrenton Township—W. F. Neal, Edward Petar, R. D. Scott, R. O. Snipes.

Washington  
County.

WASHINGTON COUNTY

Lee's Mill Township—W. A. Swain.  
 Plymouth Township—W. H. Peel, J. T. McNair, C. V. W. Ausborn, E. L. McNair.  
 Scuppernong Township—J. A. Combs, T. F. Davenport.  
 Skinnerville Township—M. F. Davenport.

Watauga County.

WATAUGA COUNTY

Bald Mountain Township—Glen Howell, R. F. Vannoy.  
 Beaver Dam Township—Dave Hagaman, Asa L. Reese.  
 Blowing Rock Township—T. H. Coffey, Senior, W. C. Lentz.  
 Blue Ridge Township—J. M. Bradshaw.  
 Boone Township—Dr. D. J. Whitner.  
 Cove Creek Township—J. L. Wilson.  
 Laurel Creek Township—E. B. Hagaman.  
 Meat Camp Township—C. G. Hodges, J. B. Clawson, Verne Greene.  
 North Fork Township—Mrs. Delia Mock, Sam S. South.  
 Shawnee Haw Township—Earnie Triplett, Dock Chappell.  
 Stoney Fork Township—E. B. Hardin, W. S. Moretz.  
 Watauga Township—Clint Baird, Hayden Fox.

Wilkes County.

WILKES COUNTY

Boomer Township—Ralph Swanson.  
 Edwards Township—T. D. Barker, R. C. Harris, J. M. Walker.  
 Elk Township—Mrs. S. F. Miller.  
 Jobs Cabin Township—W. A. Payne.  
 North Wilkesboro Township—L. B. Pierce, A. E. Spainhower.  
 Reddies River Township—H. I. Shoemaker, A. G. Bumgarner,  
 Mrs. Kate Hayes, W. H. Hurley.  
 Rock Creek Township—Harrison Felts.  
 Stanton Township—H. O. Parsons.  
 Trap Hill Township—W. F. Cooper.  
 Union Township—S. J. Dancy, A. R. Miller, Vance Miller,  
 David Roten, Coy Miller.  
 Walnut Grove Township—A. J. Moxley.  
 Wilkesboro Township—Ed Crysel, C. G. Glass, Miss Clyde Shepherd.

Yadkin County.

YADKIN COUNTY

Booneville Township—D. H. Maxley.  
 Bucks Shoals Township—W. L. Denny, B. C. Shore.  
 Deed Creek Township—J. A. Haner, T. E. Haire, T. F. Johnson.

East Bend Township—H. C. Ring, Gray Norman.  
 Fall Creek Township—E. J. Caudell, B. C. Maney, E. B. Vestal.  
 Farbush Township—S. H. Brembaker, W. H. Dull.  
 Liberty Township—R. C. Badgett, L. W. Dixon, M. W. Mackie,  
 C. L. Gabard.

## YANCEY COUNTY

Yancey County.

Number One Township—S. T. Bennett, Burnie King, Gaston Angel, Judd Ray.

Number Two Township—Monroe McIntosh, J. W. McAlister, E. J. Angel, James Wilson.

Number Three Township—Martin Pate, J. H. Woodby, James Wheeler.

Number Four Township—Bob Holloway, C. E. Randolph.

Number Five Township—R. A. Peake, J. C. Turner, Dewey Fox, Frank Howell.

Number Six Township—U. B. Dayton, Carl Young.

Number Seven Township—L. D. Thomas, John P. Woody.

Number Eight Township—James Hutchins, W. D. Peterson, J. M. Thomas.

Number Nine Township—Arthur Patton, Dolph Wilson.

Number Ten Township—U. S. Allen, Horace D. Ray.

Number Eleven Township—Willard Penland, Harvey Phoenix.

SEC. 2. That this Act shall be in force and effect from and after the first day of April, one thousand nine hundred and forty-three. Effective date.

Ratified this the 10th day of March, 1943.

S. B. 254

## CHAPTER 780

AN ACT TO DECLARE THE NECESSITY OF CREATING PUBLIC BODIES CORPORATE AND POLITIC TO BE KNOWN AS HOSPITAL AUTHORITIES TO ENGAGE IN HOSPITAL CONSTRUCTION, MAINTENANCE AND OPERATION AND/OR PROJECTS TO PROVIDE HOSPITAL ACCOMMODATIONS; TO PROVIDE FOR THE CREATION OF SUCH HOSPITAL AUTHORITIES; TO DEFINE THE POWERS AND DUTIES OF HOSPITAL AUTHORITIES AND TO PROVIDE FOR THE EXERCISE OF SUCH POWERS, INCLUDING ACQUIRING PROPERTY BY PURCHASE, GIFT OR EMINENT DOMAIN, AND INCLUDING BORROWING MONEY, ISSUING REVENUE AND CREDIT BONDS AND OTHER OBLIGATIONS, AND GIVING SECURITY THEREFOR; TO CONFER REMEDIES ON OBLIGEES OF HOSPITAL AUTHORITIES; TO PROVIDE THAT HOSPITAL AUTHORITIES, AND CERTAIN PROPERTY AND SECURITIES THEREOF SHALL BE TAX EXEMPT.

*The General Assembly of North Carolina do enact:*

Title of Act.

SECTION 1. Short title. This Act may be referred to as the Hospital Authorities Law.

Finding and declaration of necessity for adequate hospital facilities.

SEC. 2. Finding and declaration of necessity. It is hereby declared that conditions resulting from the concentration of population in various cities and towns of the State having a population of more than seventy-five thousand inhabitants require the construction, maintenance and operation of adequate hospital facilities for the care of the public health and for the control and treatment of epidemics, for the care of the indigent and for the public welfare; that in various cities and towns of the State having a population of more than seventy-five thousand inhabitants, there is a lack of adequate hospital facilities available to the inhabitants thereof and that consequently many persons including persons of low income are forced to do without adequate medical and hospital care and accommodations; that these conditions cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals and welfare of the State and impair economic values; that the aforesaid conditions also exist in certain areas surrounding such cities and towns; that these conditions cannot be remedied by the ordinary operations of private enterprises; that the providing of adequate hospital and medical care are public uses and purposes for which public money may be spent and private property acquired; that it is in the public interest that adequate hospital and medical facilities and care be provided in such concentrated centers of population in order to care for and protect the health and public welfare; and the necessity in the public interest for the pro-

vision hereinafter enacted is hereby declared as a matter of legislative determination.

SEC. 3. Definitions. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context: Definitions.

(1) "Authority" or "hospital authority" shall mean a public body and a body corporate and politic organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions hereinafter set forth. "Authority" or "hospital authority."

(2) "City" shall mean the city or town having a population of more than seventy-five thousand inhabitants (according to the last Federal census) which is, or is about to be, included in the territorial boundaries of an authority when created hereunder. "City."

(3) "Council" shall mean the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city. "Council."

(4) "City clerk" and "mayor" shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor respectively. "City clerk" and "mayor."

(5) "Municipality" shall mean any county, city, town or incorporated village, other than the city as defined above, which is located within or partially within the territorial boundaries of an authority. "Municipality."

(6) "Commissioner" shall mean one of the members of an authority appointed in accordance with the provisions of this Act. "Commissioner."

(7) "Government" shall include the State and Federal Governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them. "Government."

(8) "State" shall mean the State of North Carolina. "State."

(9) "Federal Government" shall include the United States of America, the Federal Emergency Administration of Public Works or any agency, instrumentality, corporate or otherwise, of the United States of America. "Federal government."

(10) "Hospital project" shall include all real and personal property, buildings and improvements, offices, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking to provide adequate hospital facilities and medical care for concentrated centers of population, including persons of low income. The term "hospital project" may also be applied to the planning of the "Hospital project."

buildings and improvements, the acquisition of property, the construction, reconstruction, alternation and repair of the improvements and all other work in connection therewith.

“Bonds.”

(11) “Bonds” shall mean any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this Act.

“Trust indenture.”

(12) “Trust indenture” shall include instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof.

“Contract.”

(13) “Contract” shall mean any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

“Real property.”

(14) “Real property” shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

“Obligee of the authority” or “obligee.”

(15) “Obligee of the authority” or “obligee” shall include any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a hospital project or any assignee or assignees of such lessor's interest or any part thereof, and the United States of America, when it is a party to any contract with the authority.

Creation of authority in cities having population of more than 75,000.

SEC. 4. Creation of authority. If the council of any city in the State having a population of more than seventy-five thousand according to the last Federal census, shall, upon such investigation as it deems necessary, determine:

Lack of adequate hospital facilities, etc.

(1) That there is a lack of adequate hospital facilities and medical accommodations from the operations of private enterprises in the city and said surrounding area; and/or

Construction or operation of public hospital facilities essential.

(2) That the public health and welfare, including the health and welfare of persons of low income in the city and said surrounding area, require the construction, maintenance or operation of public hospital facilities for the inhabitants thereof; the council shall adopt a resolution so finding (which need not go into any detail other than the mere finding) and shall cause notice of such determination to be given to the mayor, who shall thereupon appoint, as hereinafter provided, eighteen commissioners to act as an authority. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Resolution by council.

Notice to mayor.

Appointment of commissioners.

Procedure to be public body corporate.

Application to Secretary of State.

The commissioners shall present to the Secretary of State an application signed by them, which shall set forth (without

any detail other than the mere recital) (1) that the council has made the aforesaid determination after such investigation, and that the mayor has appointed them as commissioners; (2) the name and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the hospital authority to become a public body and a body corporate and politic under this Act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location and the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of the said commissioners before an officer authorized by the laws of the State to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this State or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Contents.

Application to be verified.

When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the Secretary of State shall make and issue to the said commissioners a certificate of incorporation pursuant to this Act, under the Seal of the State, and shall record the same with the application.

Issuance of certificate of incorporation.

The boundaries of such authority shall include said city and the area within ten miles from the territorial boundaries of said city but in no event shall it include the whole or a part of any other city nor any area included within the boundaries of another authority. In case an area lies within ten miles of the boundaries of more than one city such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid certificates by the Secretary of State. After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

Boundaries of authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this Act upon proof of the issuance of the aforesaid certificate by the Secretary

Issuance of certificate conclusive proof of establishment of authority in certain actions.

Certified copy  
admissible in  
evidence.

of State. A copy of such certificate, duly certified by the Secretary of State, shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof.

Appointment,  
qualifications,  
and tenure of  
commissioners.

SEC. 5. Appointment, qualifications, and tenure of commissioners. An authority shall consist of eighteen commissioners appointed by the mayor and he shall designate the first chairman.

Term.

One third of the commissioners who are first appointed shall be designated by the mayor to serve for terms of four years, one third to serve for terms of eight years, and one third to serve for terms of twelve years respectively from the date of their appointment. Thereafter, the term of office shall be three years. A commissioner shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. In the event of a vacancy or vacancies in the membership of the board by expiration of term of office or otherwise, the remaining members of the board shall submit to the mayor nominations for appointments. The mayor may successively require any number of additional nominations, and shall have power to appoint any person so nominated. All such vacancies shall be filled from such nominations. A majority of the commissioners shall constitute a quorum. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses including traveling expenses incurred in the discharge of his duties.

Vacancies.

Appointment  
of successors.

Quorum.

Certificate of  
appointment.

No compensation ;  
traveling expenses  
allowed.

Selection of  
chairman.

Other officers,  
employees, etc.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its members. An authority shall select from among its members a vice chairman, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Duty of the  
authority and  
commissioners  
to comply  
with this Act,  
etc.

SEC. 6. Duty of the authority and commissioners of the authority. The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this Act and the laws of the State and in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

SEC. 7. Interested commissioners or employees. No commissioner or employee of an authority shall acquire any interest direct or indirect in any hospital project or in any property included or planned to be included in any project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any hospital project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in any hospital project, he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure to so disclose such interest shall constitute misconduct in office.

Interest of commissioners, etc., in hospital projects, etc., forbidden.

Disclosure of interest.

SEC. 8. Removal of commissioners. The mayor may remove a commissioner for inefficiency or neglect of duty or misconduct in office, but only after the commissioner shall have been given a copy of the charges against him (which may be made by the mayor) at least ten days prior to the hearing thereon and had an opportunity to be heard in person or by counsel.

Removal of commissioner.

Hearing.

Any obligee of the authority may file with the mayor written charges that the authority is violating wilfully any law of the State or any term, provision or covenant in any contract to which the authority is a party. The mayor shall give each of the commissioners a copy of such charges at least ten days prior to the hearing thereon and an opportunity to be heard in person or by counsel and shall within fifteen days after receipt of such charges remove any commissioners of the authority who shall have been found to have acquiesced in any such wilful violation.

Charges of violation by authority.

Copies to commissioners.

Hearing thereon.

Removal of commissioners acquiescing in violation.

If, after due and diligent search, a commissioner to whom charges are required to be delivered hereunder cannot be found within the county where the authority is located, such charges shall be deemed served upon said commissioner if mailed to him at his last known address as same appears upon the records of the authority.

Service of charges on commissioner.

A commissioner shall be deemed to have acquiesced in a wilful violation by the authority of a law of this State or of any term, provision or covenant contained in a contract to which the authority is a party, if, before a hearing is held on charges against him, he shall not have filed a written statement with the authority of his objections to, or lack of participation in, such violation.

Commissioner deemed to have acquiesced in violation in certain instances.

In the event of the removal of any commissioner, the mayor shall file in the office of the city clerk a record of the proceedings together with the charges made against the commissioners and the findings thereon.

Record of proceedings of removal.

Powers of  
authority.

SEC. 9. Powers and authority. An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted:

Certain powers  
enumerated.

To investigate into hospital, medical and health conditions and into the means and methods of improving such conditions; to determine where inadequate hospital and medical facilities exist; to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of providing adequate hospital, medical and nursing facilities, and the providing of adequate hospital, medical and nursing facilities for the inhabitants of such city and area, including persons of low income in such city and area; to prepare, carry out and operate hospital projects; to provide and operate outpatient departments, maternity clinics and any other clinics customarily operated in hospitals in metropolitan centers; to provide teaching and instruction programs and schools for medical students, internes, physicians and nurses; to provide and maintain continuous resident physician and interne medical services; to appoint an administrator, a superintendent or matron, and necessary assistants, and any and all other employees deemed necessary or advisable and fix their compensation, and to remove such appointees; to adopt bylaws for the conduct of its business; to adopt necessary rules and regulations for the government of the authority and its employees; to enter into contracts for necessary supplies, equipment or services incident to the operation of its business; to appoint such committees or subcommittees as it shall deem advisable, and fix their duties and responsibilities, and to do all things necessary in connection with the construction, repair, reconstruction, management, supervision, control and operation of its business, including but not limited to the hospital and all departments thereof; to accept donations of money, personal property or real estate for the benefit of the authority and take title thereto from any person, firm, corporation or society desiring to make such donations; to determine and regulate the conditions under which the privilege of practicing within any hospital operated by the authority may be available to physicians, and to promulgate reasonable rules and regulations governing the conduct of physicians and nurses while on duty in said hospital; to establish and maintain a training school for nurses; to make rules and regulations governing the admission of patients to, and the care, conduct, and treatment of patients in, the hospital; to determine whether patients presented to the hospital for treatment are subjects for charity and to fix the compensation to be paid by patients other than those unable to assist themselves; to maintain and operate isolation wards for the care and treatment of mental, contagious or other similar

diseases; to provide for the construction, reconstruction, improvement, alteration or repair of any hospital project or any part thereof; to take over by purchase, lease or otherwise any hospital project located within its boundaries undertaken by any government, or by any city or municipality located in whole or in part within its boundaries; to act as agent for the Federal Government in connection with the acquisition, construction, operation and/or management of a hospital project, or any part thereof; to arrange with any city or municipality located in whole or in part within its boundaries or with a government for the furnishing, planning, replanning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities or for the acquisition by such city, municipality, or a government of property, options or property rights or for the furnishing of property or services in connection with a project; to arrange with the State, its subdivision and agencies, and any county, city or municipality of the State, to the extent that it is within the scope of each of their respective functions, (a) to cause the services customarily provided by each of them to be rendered for the benefit of such hospital authority and (b) to provide and maintain parks and sewage, water and other facilities adjacent to or in connection with hospital projects and to lease or rent any of the dwelling or other accommodations or any of the lands, buildings, structures or facilities embraced in any hospital project and to establish and revise the rents or charges therefor; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any property real or personal or any interest therein from any person, firm, corporation, city, municipality, or government; to acquire by eminent domain any real property, including improvements and fixtures thereon; to sell, exchange, transfer, assign, or pledge any property real or personal or any interest therein to any person, firm, corporation, municipality, city, or government; to own, hold, clear and improve property; to insure or provide for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues in the manner and to the extent hereinafter provided; in connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this Act; to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which trustees, guardians, executors, administrators, and others acting in a fiduciary capacity may legally invest funds subject to their control; to sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of

the powers of the authority; to make and from time to time amend and repeal bylaws, rules and regulations not inconsistent with this Act, to carry into effect the powers and purposes of the authority. An authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to any specific hospital project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this State, and for such purposes an authority may cause one or more corporations to be formed under the laws of this State or may acquire the capital stock of any corporation or corporations. Any corporate agent, all of the stock of which shall be owned by the authority or its nominee or nominees, may to the extent permitted by law exercise any of the powers conferred upon the authority herein. In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in this Act. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the Legislature shall specifically so state.

Right of eminent domain.

SEC. 10. Eminent domain. The authority shall have the right to acquire by eminent domain any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this Act after the adoption by it of a resolution declaring that the acquisition of the property described therein is in the public interest and necessary for public use. The authority may exercise the power of eminent domain pursuant to the provisions of either:

Resolution therefor.

(a) Consolidated Statutes, one thousand nine hundred and nineteen, Sections one thousand seven hundred and fifteen—one thousand seven hundred and thirty-three, both inclusive.

(b) Any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain.

Limitation.

Property already devoted to a public use may be acquired, provided, that no property belonging to any city or municipality or to any government or to any religious or charitable corporation may be acquired without its consent and that no property belonging to a public utility corporation may be acquired without the approval of the commission or other officer or tribunal, if any there be, having regulatory power over such corporation.

Projects subject to building and zoning laws, etc.

SEC. 11. Zoning and building laws. All hospital projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the hospital project is situated.

SEC. 12. Types of bonds. The authority shall have power and is hereby authorized from time to time in its discretion to issue for the purpose only of constructing, furnishing and equipping new buildings or additions to existing buildings:

Power to issue bonds for certain purposes.

(a) Bonds on which the principal and interest are payable exclusively from the income and revenues of the project constructed, furnished and equipped with the proceeds of such bonds or with such proceeds together with the proceeds of a grant from the Federal Government to aid in financing, furnishing or equipment thereof, provided, however, that the credit of the authority shall not be pledged to the payment of such bonds, but such bonds shall be payable only (and the bonds shall so state on their face) from the revenues of the designated hospital project or projects, and if the authority so determines, shall be additionally secured by a trust indenture pledging such revenues from such designated hospital project or projects.

Bonds payable exclusively from revenues on projects.

Neither the commissioners of the authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

No personal liability.

The bonds and other obligations of the authority (and such bonds and obligations shall so state on their face) shall not be a debt of any city or municipality located within its boundaries or of the State and neither the State nor any such city or municipality shall be liable thereon, nor in any event shall they be payable out of any funds or properties other than those of the authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation of the laws of the State. Bonds may be issued under this Act notwithstanding any debt or other limitation prescribed in any statute.

Such bonds not debt of city or State.

SEC. 13. Form and sale of bonds. The bonds of the authority shall be authorized by its resolution and shall be issued in one or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty years from their respective dates, bear interest at such rate or rates, not exceeding six per centum (6%) per annum payable semiannually, be in such denominations (which may be made interchangeable) be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium) as such resolution or its trust indenture or mortgage may provide.

Form and sale of bonds.

The bonds shall be sold at public sale held after notice published once at least ten days prior to such sale in a newspaper having a general circulation in the city and in a financial newspaper published in the City of New York, New York, or in the City of Chicago, Illinois, and; provided that if no bid is received

Public sale of bonds.

Notice.

upon such notice which is a legal bid and legally acceptable under such notice, then and in that event the bonds may be sold at private sale at any time within thirty days after the date for receiving bids given in such notice, provided, however, that such bonds may be sold to the Federal Government at private sale without any public advertisement. The bonds may be sold at such price or prices as the authority shall determine provided that the interest cost to maturity of the money received for any issue of said bonds shall not exceed six per centum (6%) per annum.

Interim certificates. Pending the authorization, preparation, execution or delivery of definitive bonds, the authority may issue interim certificates, or other temporary obligations, to the purchaser of such bonds. Such interim certificates, or other temporary obligations, shall be in such form, contain such terms, conditions and provisions, bear such date or dates, and evidence such agreements relating to their discharge or payment or the delivery of definitive bonds as the authority may by resolution, trust indenture or mortgage determine.

Signature of officers. In case any of the officers whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

Purchase of its bonds by authority. The authority shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest; provided, however, that bonds payable exclusively from the revenues of a designated project or projects shall be purchased out of any such revenues available therefor. All bonds so purchased shall be canceled. This paragraph shall not apply to the redemption of bonds.

Cancellation of bonds purchased. Bonds negotiable. Any provision of any law to the contrary notwithstanding, any bonds, interim certificates, or other obligations issued pursuant to this Act shall be fully negotiable.

Powers of authority as to issuance of bonds. SEC. 14. Provisions of bonds, trust indentures, and mortgages. In connection with the issuance of bonds and/or the incurring of any obligation under a lease and in order to secure the payment of such bonds and/or obligations, the authority shall have power:

Pledge of revenues, etc. (1) To pledge by resolution, trust indenture, mortgage (subject to the limitations herein imposed), or other contract, all or any part of its rents, fees, or revenues.

Covenant against mortgaging its property. (2) To covenant against mortgaging all or any part of its property, real or personal, then owned or thereafter acquired, or against permitting or suffering any lien thereon.

- (3) To covenant with respect to limitations on its right to sell, lease or otherwise dispose of any hospital project or any part thereof, or with respect to limitations on its right to undertake additional hospital projects. Covenant to limit its right to sell hospital project, etc.
- (4) To covenant against pledging all or any part of its rents, fees and revenues to which its right then exists or the right to which may thereafter come into existence or against permitting or suffering any lien thereon. Covenant against pledging revenues, etc.
- (5) To provide for the release of property, rents, fees and revenues from any pledge or mortgage, and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage. To provide for release of property, revenues, from pledge, etc.
- (6) To covenant as to the bonds to be issued pursuant to any resolution, trust indenture, mortgage or other instrument and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof. Covenant as to bonds to be issued.  
As to use of proceeds.
- (7) To covenant as to what other, or additional debt, may be incurred by it. Covenant as to other debts.
- (8) To provide for the terms, form, registration, exchange, execution and authentication of bonds. To provide for terms, form, exchange, etc., of bonds.
- (9) To provide for the replacement of lost, destroyed or mutilated bonds. Replacement.
- (10) To covenant as to the use of any or all of its property, real or personal. Covenant as to use of property.
- (11) To create or to authorize the creation of special funds in which there shall be segregated (a) the proceeds of any loan and/or grant; (b) all of the rents, fees and revenues of any hospital project or projects or parts thereof; (c) any moneys held for the payment of the costs of operation and maintenance of any such hospital projects or as a reserve for the meeting of contingencies in the operation and maintenance thereof; (d) any moneys held for the payment of the principal and interest on its bonds or the sums due under its leases and/or as a reserve for such payments; and (e) any moneys held for any other reserve or contingencies; and to covenant as to the use and disposal of the moneys held in such funds. Creation of special funds.
- (12) To redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof. Redemption.
- (13) To covenant against extending the time for the payment of its bonds or interest thereon, directly or indirectly, by any means or in any manner. Covenant against extension of time.
- (14) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, Procedure for amending contracts with bondholders.

the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

Maintenance of property, etc.

(15) To covenant as to the maintenance of its property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

To vest in obligee the right to cure default of authority, by payment of money, etc.

(16) To vest in an obligee of the authority the right, in the event of the failure of the authority to observe or perform any covenant on its part to be kept or performed, to cure any such default and to advance any moneys necessary for such purpose, and the moneys so advanced may be made an additional obligation of the authority with such interest, security and priority as may be provided in any trust indenture, mortgage, lease or contract of the authority with reference thereto.

To prescribe events of default.

(17) To covenant and prescribe as to the events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived.

To covenant as to effect of breach.

(18) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation.

Surrender of possession in event of default.

(19) To covenant to surrender possession of all or any part of any hospital project or projects the revenue from which has been pledged on mortgaged for the purpose of constructing, furnishing, and equipping new buildings or additions to existing buildings as provided for in this Act upon the happening of any event of default (as defined in the contract) and to vest in an obligee the right without judicial proceeding to take possession and to use, operate, manage and control such hospital projects or any part thereof, and to collect and receive all rents, fees and revenues arising therefrom in the same manner as the authority itself might do and to dispose of the moneys collected in accordance with the agreement of the authority with such obligee.

To vest in trustees the right to enforce covenants.

(20) To vest in a trustee or trustees the right to enforce any covenant made to secure, to pay, or in relation to the bonds, to provide for the powers and duties of such trustee or trustees, to limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any such covenant.

Other covenants.

(21) To make covenants other than in addition to the covenants herein expressly authorized, of like or different character.

To execute certain instruments.

(22) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the perform-

ance of its covenants or duties, which may contain such covenants and provisions, in addition to those above specified, as the government of any purchaser of the bonds of the authority may reasonably require.

(23) To make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the authority tend to make the bonds more marketable; notwithstanding that such covenants, acts or things may not be enumerated herein; it being the intention hereof to give the authority power to do all things in the issuance of bonds, in the provisions for their security that are not inconsistent with the Constitution of the State and no consent or approval of any judge or court shall be required thereof; and provided that the authority may not pledge or mortgage the revenue from any project excepting one newly constructed, furnished and equipped in whole or in part with funds derived or to be derived from the sale of bonds secured by such pledge or mortgage.

To do all things necessary to make bonds marketable, etc.

SEC. 16. Remedies of an obligee of authority. An obligee of the authority shall have the right in addition to all other rights which may be conferred on such obligee subject only to any contractual restrictions binding upon such obligee:

Remedies of obligee of authority.

(a) By mandamus, suit, action or proceeding in law or equity (all of which may be joined in one action) to compel the authority, and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the authority, and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this Act.

To compel authority to perform its contracts.

(b) By suit, action or proceeding in equity to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the authority.

To require authority to carry out duties imposed by this Act.

To enjoin unlawful acts, or violation of rights of obligee.

SEC. 16. Additional remedies conferrable by mortgage or trust indenture. Any authority shall have power by its trust indenture, mortgage, lease or other contract to confer upon any obligee holding or representing a specified amount in bonds, lease or other obligations the right upon the happening of an "event of default" as defined in such instrument:

Power to confer additional remedies on obligee holding bonds of authority.

(a) By suit, action or proceeding in any court of competent jurisdiction to obtain the appointment of a receiver of any hospital project of the authority or any part or parts thereof, constructed, equipped and furnished in whole or in part from funds derived or to be derived in whole or in part from the sale of bonds secured by the pledge or mortgage of the revenues

To have receiver appointed under certain conditions.

Powers and duties of such receiver.

from such property. If such receiver be appointed, he may enter and take possession of such hospital project or any part or parts thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom in the same manner as the authority itself might do and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the authority as the court shall direct.

To require accounting by authority.

(b) By suit, action or proceeding in any court of competent jurisdiction to require the authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

Rights and remedies of obligee herein conferred cumulative.

SEC. 17. Remedies cumulative. All the rights and remedies hereinabove conferred shall be cumulative and in addition to all other rights and remedies that may be conferred upon such obligee of the authority by law or by any contract with the authority.

Limitations on remedies of obligee.

SEC. 18. Limitations on remedies of obligee. No interest of the authority in any property, real or personal, shall be subject to sale by the foreclosure of a mortgage thereon, either through judicial proceedings or the exercise of a power of sale contained in such mortgage. All property of the authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same. No judgment against the authority shall be a charge or lien upon its property, real or personal.

Property not subject to foreclosure sale.

Property exempt from execution.

Judgment not lien on property of authority.

Contracts with Federal Government.

SEC. 19. Contracts with Federal Government. In addition to the powers conferred upon the authority by other provisions of this Act, the authority is empowered to borrow money and/or accept grants from the Federal Government for or in aid of the construction of any hospital project which such authority is authorized by this Act to undertake, to take over any land acquired by the Federal Government for the construction of a hospital project, to take over or lease or manage any hospital project constructed or owned by the Federal Government, and to these ends, to enter into such contracts, mortgages, trust indentures, leases or other agreements that the Federal Government shall have the right to supervise and approve the construction, maintenance and operation of such hospital project. It is the purpose and intent of this Act to authorize every authority to do any and all things necessary to secure the financial aid and the coöperation of the Federal Government in the construction, maintenance and operation of any hospital project which the authority is empowered by this Act to undertake.

Power to borrow money or accept grants for certain purposes.

To take over hospital owned by Government.

To contract for Federal Government to supervise maintenance, operation of hospital project.

Security for funds deposited by authority.

SEC. 20. Security for funds deposited by authorities. The authority may by resolution provide that (1) all moneys de-

posited by it shall be secured by obligations of the United States or of the State of a market value equal at all times to the amount of such deposits or (2) by any securities in which trustees, guardians, executors, administrators and others acting in a fiduciary capacity may legally invest funds within their control or (3) by an undertaking with such sureties as shall be approved by the authority faithfully to keep and pay over upon the order of the authority any such deposits and agreed interest thereon, and all banks and trust companies are authorized to give any such security for such deposits.

SEC. 21. Tax exemptions. The authority shall be exempt from the payment of any taxes or fees to the State or any subdivisions thereof, or to any officer or employee of the State or any subdivision thereof. The property of an authority shall be exempt from all local and municipal taxes and for the purposes of such tax exemption, it is hereby declared as a matter of legislative determination that an authority is and shall be deemed to be a municipal corporation. Bonds, notes, debentures and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instrumentalities and, together with interest thereon, shall be exempt from taxes when same are held by the Federal Government or by any purchaser from the Federal Government or anyone acquiring title from or through such purchaser.

Exemption of authority from taxation.

Exemption of property of authority.

Exemption of bonds, notes, etc., of authority.

SEC. 22. Reports. The authority shall at least once a year file with the mayor of the city an audit report by a certified public accountant of its activities for the preceding year, and shall make any recommendations with reference to any additional legislation or other action that may be necessary in order to carry out the purposes of this Act.

Annual audit reports.

Recommendations.

SEC. 23. Notwithstanding any finding of public convenience and necessity, either in general or specific, by the terms of this Act, the right of eminent domain shall not be exercised unless and until a certificate of public convenience and necessity for such project has been issued by the Utilities Commission of North Carolina, and the proceedings leading up to the issuing of such certificate of public convenience and necessity, and the right to appeal therefrom shall as near as may be follow the proceedings now provided by law for obtaining such a certificate under the Motor Vehicle Carrier Act, and said rights are hereby expressly reserved to all interested parties in said proceedings. That in addition to the powers now granted by law to the Utilities Commission of North Carolina, the said Utilities Commission is hereby vested with full power and authority to investigate and examine all projects set up or attempted to be set up under the provisions of this Act and determine the question of the public convenience and necessity for said project.

Limitation on exercising power of eminent domain.

Proceedings to obtain certificate of public convenience and necessity from Utilities Commission.

Power of Utilities Commission.

Exemption from Local Government Act and County Fiscal Control Act.

SEC. 24. Exemption from the Local Government Act, and from the County Fiscal Control Act. The authority shall be exempt from the operation and provisions of Chapter sixty of the Public Laws of North Carolina of one thousand nine hundred and thirty-one, known as the "Local Government Act," and the amendments thereto and from Chapter one hundred and forty-six of the Public Laws of North Carolina of one thousand nine hundred and twenty-seven known as the "County Fiscal Control Act" and the amendments thereto.

Counties and cities permitted to make appropriations for hospitals operated by authorities.

SEC. 25. Appropriations by city and county. The governing body of any city or county in which the authority is located may appropriate each year, not exceeding five per cent of its general fund for the improvement, maintenance or operation of any public hospital or hospital project constructed, maintained, or operated by or to be constructed, maintained or operated by an authority, and moneys so appropriated and paid to a hospital authority by a city or municipality shall be deemed a necessary expense of such city or municipality.

Limitation of amount.

Such appropriations deemed necessary expense.

Conveyance, lease or transfer of property by municipality to authority for purposes of this Act.

SEC. 26. Conveyance, lease or transfers of property by a city or municipality to an authority. Any city or municipality in order to provide for the construction, reconstruction, improvement, repair or management of any hospital or hospital project, or in order to accomplish any of the purposes of this Act may, with or without consideration or for a nominal consideration, lease, sell, convey or otherwise transfer to an authority, within the territorial boundaries of which such city or municipality is wholly or partly located, any real, personal or mixed property including, but not limited to, any existing hospital or hospital project as a going concern or otherwise, and including the assignment and transfer of any part of or all money, choses in action and other assets used or held for the use of such hospital or hospital project, and in connection with any such transaction the authority involved may accept such lease, transfer, assignment and conveyance and bind itself to the performance and observation of any agreements and conditions attached thereto.

Authority may bind itself for performance of conditions attached thereto.

Partial invalidity section.

SEC. 27. Severability. That if any one or more sections, clauses, sentences, or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this Act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

SEC. 28. Act controlling. That in so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall be controlling, provided that nothing in this Act shall prevent any municipality from establishing, equipping, and operating a hospital or hospitals or improving or extending existing hospitals and hospital facilities under the provisions of its charter or any general law other than this Act.

Provisions of this Act controlling when inconsistent with other laws.

Act not to prevent municipalities establishing, operating hospitals under its charter or general law.

SEC. 29. Craven County and City of New Bern. All provisions of this Act shall apply to Craven County and City of New Bern as fully as if the population of said county exceeded seventy-five thousand inhabitants; and in relation to Craven County and City of New Bern the following terms, wherever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context: (1) "City" shall mean Craven County and City of New Bern, notwithstanding the population of Craven County is less than seventy-five thousand inhabitants; (2) "council" shall mean Board of Commissioners for the County of Craven and Board of Aldermen of the City of New Bern; (3) "mayor" shall mean Mayor of New Bern and Chairman of the Board of Commissioners for the County of Craven; (4) "city clerk" shall mean City Clerk of New Bern and Clerk of the Board of Commissioners for the County of Craven; and the boundary of the hospital authority organized in Craven County shall be the boundary of Craven County.

Act likewise to apply to Craven County and City of New Bern.

SEC. 30. Time of taking effect. This Act shall be in effect from and after its ratification.

Ratified this 10th day of March, 1943.

S. B. 262

## CHAPTER 781

### AN ACT RELATING TO WITHDRAWAL OF DEPOSITS FROM THE STATE EMPLOYEES' CREDIT UNION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Employees' Credit Union is hereby authorized to honor any draft or drafts drawn on it by any depositor thereof, to the extent of such depositor's deposit account in said union, and such draft or drafts shall be on a form prescribed and issued by the State Employees' Credit Union. The payment of any such draft or drafts shall be made according to rules and regulations prescribed by the board of directors of said union.

Withdrawal of deposits from State Employees' Credit Union.

SEC. 2. That the said State Employees' Credit Union may, in the discretion of its board of directors, charge a fee for

Fee.

each such draft honored, but in no case shall such fee exceed ten cents (10¢) per draft.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after the date of ratification.

Ratified this the 10th day of March, 1943.

S. B. 353

### CHAPTER 782

AN ACT TO AMEND CHAPTER NINETY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE BY STRIKING OUT SECTION SIX OF SAID CHAPTER AND INSERTING IN LIEU THEREOF A NEW SECTION SIX, THEREBY MAKING IT LEGAL FOR A MAJORITY OF THE MEMBERS OF THE UTILITIES COMMISSION TO HEAR AND PASS UPON MATTERS COMING BEFORE THE COMMISSION.

*The General Assembly of North Carolina do enact:*

Sec. 6, Ch. 97,  
Public Laws,  
1941, rewritten.

SECTION 1. That Section six of Chapter ninety-seven of the Public Laws of one thousand nine hundred and forty-one be stricken out and a new section, to be known as Section six, be inserted in lieu thereof as follows:

Rules of practice  
authorized for  
Utilities Com-  
mission.

“SEC. 6. The North Carolina Utilities Commission hereby created shall formulate and promulgate rules of practice, including rules for hearings by one or more members of the commission, provided that as to any hearing before less than a majority of the commission, the rules shall provide for a proposed report, exceptions to said report, and a final hearing before a majority of the commission upon the record, including the exceptions.”

Hearings before  
less than majority.

Conflicting laws  
repealed.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 3. That this Act shall become effective from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 356

## CHAPTER 783

AN ACT TO AMEND CHAPTER TWENTY-FIVE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, KNOWN AND DESIGNATED AS THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Section four of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one be amended by adding a new subsection, following Subsection five, as follows:

Sec. 4, Ch. 25, Public Laws, 1941, known as Teachers' and State Employees' Retirement Act, amended.

“(6) Teachers and other State employees who entered the armed services of the United States after September sixteenth, one thousand nine hundred and forty, and prior to February seventeenth, one thousand nine hundred and forty-one, and who return to the service of the State within a period of two years after they have been honorably discharged from the armed services of the United States, shall be entitled to full credit for all prior service.”

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. B. 364

## CHAPTER 784

AN ACT TO CHANGE THE GROSS WEIGHT ON TWO-AXLE TRUCKS, PROVIDED IN HOUSE BILL SIX HUNDRED AND NINETEEN, RATIFIED MARCH NINTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE, FROM THIRTY THOUSAND POUNDS TO TWENTY-SIX THOUSAND POUNDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House Bill six hundred and nineteen, ratified March ninth, one thousand nine hundred and forty-three, be, and the same is hereby amended, by striking out the word “thirty” in Subsection (m) of Section one of said bill and inserting in lieu thereof the word “twenty-six.”

H. B. No. 619 (Ch. 726, Session Laws, 1943), relating to motor vehicles, amended.

SEC. 2. That this Act shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 844

## CHAPTER 785

AN ACT TO PROVIDE A PENSION OF THIRTY DOLLARS PER MONTH FOR ALL TEACHERS WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE YEARS, WHO ARE NOT ELIGIBLE FOR MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, WHO HAVE TAUGHT IN THE PUBLIC SCHOOL SYSTEM OF THE STATE FOR AT LEAST TWENTY YEARS, AND WHO ARE NOT ENGAGED IN SOME GAINFUL OCCUPATION.

*The General Assembly of North Carolina do enact:*

Pensions of certain public school classroom teachers.

SECTION 1. Any person who has been a classroom teacher in the public schools of North Carolina for a total of twenty or more years, and who was not teaching in the public schools of this State at the time of the enactment of the Teachers' Retirement System Act, the same being Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one, and whose cessation of employment as a teacher was not due to any dishonorable cause, shall be entitled to receive benefits under said Retirement Act for such services in the same manner and to the same extent as such twenty years of prior service would have entitled such teacher had he or she been teaching in the public schools at the time said Retirement Act became effective, and had chosen to become a member of the retirement system, provided that (1) such former teacher was sixty-five years old or more on the effective date of this Act, or is now by reason of physical disability unable to teach; and (2) such former teacher, in the opinion of the Board of Trustees of the Teachers' and State Employees' Retirement System of North Carolina, is without adequate means of support, either by reason of lack of gainful employment, lack of income from property or inadequate support by husband or wife.

Benefits to be received.

Requirements to qualify for pension.

Appropriation.

SEC. 2. There is hereby appropriated from the general fund of the State such sum or sums as may be necessary to carry out the provisions of this Act.

Administration of Act.

SEC. 3. This Act shall be administered by the Board of Trustees of Teachers' and State Employees' Retirement System of North Carolina created under the provisions of Section two of Chapter twenty-five of the Public Laws of one thousand nine hundred and forty-one, and the provisions of said Chapter twenty-five shall be controlling in the administration of this Act in all respects or provisions except as they may be modified by this Act for the purposes of this Act.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 858

CHAPTER 786

AN ACT TO VALIDATE THE REINDEXING OF RECORDS OF REAL ESTATE CONVEYANCES AND JUDGMENTS IN NORTHAMPTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the "family" grantor index and the "family" grantee or cross index system which has been prepared in typewritten form for Northampton County under the direction of the board of county commissioners embracing real estate conveyances that were filed for record during the years one thousand eight hundred and eighty-four through one thousand nine hundred and thirty-seven, inclusive, are hereby ratified, confirmed and approved and the same shall be the official index and cross index of real estate conveyances for Northampton County for the said years in lieu of the several old volumes of indexes and cross indexes of such conveyances covering said years which were not made up on a "family system."

Certain real estate index system of Northampton County made official.

SEC. 2. That when the grantor index and the grantee or cross index system that is being prepared which embraces real estate conveyances filed for record during the years one thousand seven hundred and forty through one thousand eight hundred and eighty-three, inclusive, has been completed and accepted by the board of county commissioners by resolution recorded in its minutes, said index shall be the official index and cross index of real estate conveyances for Northampton County for said years in lieu of the several old volumes of indexes and cross indexes of such conveyances covering said years.

Certain real estate index system now in preparation to be official when approved by commissioners.

SEC. 3. That the new index and cross index, Volume four of the Index and Cross Index to Judgments, which has been prepared in typewritten form for Northampton County under the direction of the board of commissioners embracing judgments docketed in the office of the clerk of the Superior Court from December eighth, one thousand nine hundred and thirty, to June thirtieth, one thousand nine hundred and forty-one, inclusive, are hereby ratified, confirmed and approved and the same shall be the official index and cross index of judgments for Northampton County for the said period in lieu of the old and handwritten index and cross index for judgments covering said period.

Certain judgment index system made official.

Register of Deeds to retain old index volumes.

SEC. 4. That the Register of Deeds of Northampton County, and his successors in office, shall keep the old index and cross index volumes on file in his office for the reference of such persons as may desire to use them.

C. S. C. to retain old judgment index.

SEC. 5. That the Clerk of the Superior Court of Northampton County, and his successors in office, shall keep the old index and cross index volumes of judgments on file in his office for the reference of such persons as may desire to use them.

Register of Deeds, etc., not liable for errors in new index.

SEC. 6. That the Register of Deeds of Northampton County, and his successors in office, their deputies and the sureties on their several bonds, shall not be liable or answerable in damages for any errors in the new index and cross index system.

C. S. C., etc., not liable for errors in new index.

SEC. 7. That the Clerk of the Superior Court of Northampton County, and his successors in office, their assistants, deputies, and the sureties on their several bonds, shall not be liable or answerable in damages for any errors in the new index and cross index system of judgments.

No liability for errors in new index system.

SEC. 8. That the Register of Deeds of Northampton County, and his successors in office, their deputies, the sureties on their bonds and all attorneys at law, abstracting companies and other persons who may use the new index and cross index system, and who shall make and issue their certificates of record and certificates and abstracts of title in reliance upon said new index and cross index system, shall not be liable or answerable in damages for or by reason of any errors which may exist in the new index and cross index system.

No liability for errors in new judgment index system.

SEC. 9. That the Clerk of the Superior Court of Northampton County, and his successors in office, their assistants, deputies, and the sureties on their bonds, and all attorneys at law, abstracting companies, and other persons who may use the new index and cross index system of judgments, and who shall make and issue their certificates of record and certificates and abstracts of title in reliance upon the said new index and cross index system of judgments, shall not be liable or answerable in damages for or by reason of any errors which may exist in the new index and cross index system of judgments.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws, general, special, public, public-local, or private, in conflict with this Act are hereby repealed.

SEC. 11. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. B. 487

## CHAPTER 787

AN ACT TO AMEND CHAPTER FIFTY-TWO OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, THE SAME BEING THE UNIFORM DRIVERS' LICENSE ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five, as amended, is hereby further amended as follows: Ch. 52, Public Laws, 1935, being Uniform Drivers' License Act, amended.

Subsection (a) By adding the following at the end of Section one: Sec. 1 amended.

“As applied to operators' and chauffeurs' licenses issued under this Act, the words: Definitions.

“‘Suspension’ shall mean that the licensee's privilege to drive a vehicle is temporarily withdrawn. ‘Suspension.’

“‘Revocation’ shall mean that the licensee's privilege to drive a vehicle is terminated. ‘Revocation.’

“‘Canceled’ shall mean that a license which was issued through error or fraud has been declared void and terminated. A new license may be obtained only as permitted in this Act.” ‘Canceled.’

Subsection (b) By striking out the last sentence of Subsection (b) of Section two and substituting in lieu thereof the following: Sec. 2 amended.

“All members of the State Highway Patrol, the drivers' license examiners, or other designated representatives of the Department of Motor Vehicles are hereby authorized and directed to administer oaths in the administration of this Act, and no fee shall be charged by them for such service.” Administration of oaths.

Subsection (c) By adding the following to the end of Section two as a new Subsection (h): Sec. 2 further amended.

“(h) Any person who, except for lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain and operator's license under this Act, shall apply for a temporary learner's permit, and the department shall issue such permit, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of thirty (30) days, during daylight hours. Any such learner's permit may be renewed or a new permit issued for an additional period of thirty (30) days. Such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat by the driver.” Learners' permits.

Period of operation.

Renewal.

Learner to be accompanied by licensed operator.

SEC. 2. That Chapter fifty-two of the Public Laws of one thousand nine hundred and thirty-five, as amended, be further amended by adding thereto a new section between Sections Ch. 52, Public Laws, 1935, further amended.

twenty-three and twenty-four, to be numbered Section twenty-three and one half, which shall read as follows:

Reexamination  
of licensed  
operators.

“SEC. 23½. Commissioner may require reexamination. The Commissioner of Motor Vehicles, having good and sufficient cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may, upon written notice of at least five days to such licensee, require him to submit to a reexamination to determine his competency to operate a motor vehicle. Upon the conclusion of such examination, the commissioner shall take such action as may be appropriate, and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions. Refusal or neglect of the licensee to submit to such reexamination shall be grounds for the suspension or revocation of his license.”

Action by  
commissioner.

Conflicting laws  
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 10th day of March, 1943.

# RESOLUTIONS

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## S. R. 1 RESOLUTION 1

A JOINT RESOLUTION INFORING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS READY TO PROCEED WITH PUBLIC BUSINESS.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to address a joint session of the General Assembly to be held in the House of Representatives Thursday, January seventh, one thousand nine hundred and forty-three, at eleven-thirty a.m., and at any other time he desires either in person or in writing.

Committee appointed to notify Governor of organization of General Assembly.

Governor invited to address General Assembly.

SEC. 2. That this Resolution shall be in force from and after its ratification.

Ratified this the 12th day of January, 1943.

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## H. R. 17 RESOLUTION 2

A JOINT RESOLUTION EXPRESSING SYMPATHY UPON THE DEATH OF, AND APPRECIATION OF THE LIFE AND SERVICE OF MRS. BESSIE GARDNER HOEY.

WHEREAS, the State of North Carolina suffered a great loss in the death of Bessie Gardner Hoey, beloved wife of our highly esteemed former Governor, Clyde R. Hoey; and

Preamble:  
Death of Bessie Gardner Hoey.

WHEREAS, to so many members of the General Assembly she was a warm, personal friend, whose friendship was considered a distinct privilege and benediction to enjoy; and

Personal friend to many members of General Assembly.

WHEREAS, throughout the years of her life she steadfastly sought to be of service to her neighbors, her community, and her State, thereby promoting happiness, comfort and contentment to untold numbers:

Service to her neighbors, community and State.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the members of the General Assembly of North Carolina take this method of expressing appreciation of the life and character of Mrs. Bessie Gardner Hoey and the

Appreciation of life and character of Mrs. Hoey.

Sympathy expressed to Governor Hoey and other members of family.

Copy of resolution to family.

Copy of resolution spread upon Journals of both branches of the General Assembly.

high qualities of citizenship exemplified by her noble and unselfish services, and their sympathy for Governor Hoey and other members of the family in the great loss and sorrow that all alike have sustained.

SEC. 2. That a copy of this Resolution be sent to the members of Mrs. Hoey's family, and that a copy be spread upon the Journals of both branches of the General Assembly.

Ratified this the 14th day of January, 1943.

S. R. 21

### RESOLUTION 3

A JOINT RESOLUTION TO AUTHORIZE AND PROVIDE FOR THE PRINTING OF THE GOVERNOR'S ADDRESS AND BUDGET MESSAGE TO THE GENERAL ASSEMBLY.

*Be it resolved by the Senate, the House of Representatives concurring:*

Printing and distribution of Address and Budget Message of Governor.

SECTION 1. That two thousand copies of the Address and Budget Message of His Excellency, J. Melville Broughton, Governor of North Carolina, be forthwith printed and delivered at the Governor's office for such distribution of the same as he may desire to make.

SEC. 2. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 18th day of January, 1943.

H. R. 48

### RESOLUTION 4

JOINT RESOLUTION TO PETITION THE OFFICE OF PRICE ADMINISTRATION TO FAIRLY ADJUST REGULATIONS CONCERNING OILY CARCASS HOGS.

Preamble:  
Office of Price Administration has ordered discount for wholesale cuts from oily carcass hogs.

WHEREAS, the Office of Price Administration through Revised Maximum Price Regulation one hundred and forty-eight has ordered a discount for wholesale cuts from oily carcass hogs of one dollar per hundredweight on hams and fat backs and three dollars per hundredweight on shoulders, pork lions, bellies and slab bacon; and

Order causes price reduction for live hogs to North Carolina growers.

WHEREAS, the effect of this order will result in the reduction of the price of all live hogs to the North Carolina growers of approximately one dollar per hundred live weight and amounting to hundreds of thousands of dollars; and

Discourages production of hogs.

WHEREAS, this price differential will tend to discourage the production of hogs now so sorely needed in the war effort; and

WHEREAS, since hogs glean the peanut and soybean fields and since the Government is attempting to increase these crops for oil production any discrimination against peanut and soybean fed hogs will discourage needed increases in peanut and soybean production for the war effort; and

Discourages needed increases in peanut and soybean production.

WHEREAS, there has been no differentiation by packers in price between hard and oily hogs in this area since April one thousand nine hundred and forty-one; and

No differentiation between hard and oily hogs by packers since April, 1941.

WHEREAS, since oily carcasses cannot be determined on foot and since only seven and sixty-six one hundredths (7.66) percent of more than two hundred and twenty thousand (220,000) head of hogs sold coöperatively from the commercial area of North Carolina were found to be oily when slaughtered the present penalty penalizes ninety-two and thirty-four one hundredths (92.34) percent of non-oily hogs from this area (see Schedule B); and

Small number of hogs oily.

WHEREAS, the discrimination against soft pork has in the past been based largely on the physical character of the fat and no consideration has been given to such qualities as the nutritive value, palatability, flavor, et cetera, nor to the fact that the general availability of refrigeration devices both industrially and in the home has removed many of the objectionable features of handling soft pork (see Schedule A); and

Discrimination against soft pork based on physical character of fat.

No consideration given to nutritive value, etc.

Many objectionable features of handling soft pork have been removed.

WHEREAS, the North Carolina Experiment Station has found that pork products from oily carcass hogs are just as nutritious and contain just as much Vitamin B<sub>2</sub> as hard carcass hogs:

Pork products from oily carcass hogs as nutritious as hard carcass hogs.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Office of Price Administration be requested to rescind the Revised Maximum Price Regulation one hundred and forty-eight pertaining to oily carcass hogs and permit North Carolina and southern hogs to be sold on the same basis as northern hogs.

Office of Price Administration requested to rescind regulation pertaining to oily carcass hogs.

SEC. 2. That a copy of this Resolution be sent to the Honorable James F. Byrnes, Director of Economic Stabilization, the Honorable Claude R. Wickard, Secretary of Agriculture, to the Director of the Office of Price Administration and to each Senator and Representative from North Carolina in the National Congress, with the request that our Senators and Congressmen do everything possible to get this Office of Price Administration Order one hundred and forty-eight rescinded immediately.

Copies of resolution to members of Congress from North Carolina and others.

## SCHEDULE A

Technical facts concerning soft and oily pork.

## A. Nutritive value and palatability

Soft pork high in nutritive value.

1. Among the major feed ingredients generally used in pig rations no ingredient has as high a content of the B-complex vitamins as do soybeans and peanuts, and in view of the fact that the vitamin content of lean pork has been shown in recent Government publications to reflect the amount fed the animal, it follows that soft pork should be high in nutritive value. This has been demonstrated experimentally.

Comparison with hard pork.

2. Soft pork is as high in nutritive value as hard pork. This is evidenced by analyses on Vitamin B<sub>2</sub> (Riboflavin). These data have just been obtained within the past thirty days by the North Carolina Agricultural Experiment Station:

Riboflavin—gammas per gram

Soft samples .....	3.63
Oily samples .....	4.43
Hard samples .....	3.87

Nutritive value.

Although there is a slight advantage in favor of the oily samples, the conclusion is that "oily pork is as high in nutritive value as hard pork."

Flavor.

3. In recent meats research work at the North Carolina Agricultural Experiment Station research men have been asked to express their opinion on the flavor of bacon from peanut-fed hogs. Without exception, they have judged this type of bacon superior in flavor to that produced from corn-fed hogs.

## B. Difficulties in handling soft pork

Soft lard processed cheaply and economically.

1. The lard problem associated with soft pork has largely disappeared. Manufacturers are able to process soft lard cheaply and economically to make an excellent finished product. The homemaker now has refrigeration available to handle lard.

Objection to difficulties in slicing soft pork products eliminated.

2. The objection to difficulties in slicing soft pork products has been largely eliminated due to the general availability of modern refrigeration devices.

## SCHEDULE B

Record of hog sales.

Hog sales f. o. b. North Carolina Coöperative Sales Points from January first, one thousand nine hundred and thirty-seven, to November thirtieth, one thousand nine hundred and forty.

<i>Grouping</i>	<i>Number of Head</i>	<i>Head Percent</i>	<i>Total Weight Pounds</i>	<i>Weight Percent</i>
All hogs .....	227,375	100	44,286,349	100
Oily hogs .....	17,426	7.66	3,417,508	7.72
Non-oily hogs .....	209,949	92.34	40,868,841	92.28
Average price for all hogs—\$7.96 per 100 pounds.				

SEC. 3. This Resolution is in full force and effect immediately after ratification.

Ratified this the 18th day of January, 1943.

H. R. 55

RESOLUTION 5

A JOINT RESOLUTION INVITING THE HONORABLE CORDELL HULL, SECRETARY OF STATE OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

WHEREAS, the State has been honored on several occasions by the Honorable Cordell Hull, Secretary of State of the United States, spending at least a part of his vacation at Pinehurst, North Carolina; and

Preamble:  
State honored  
by visits by  
Honorable  
Cordell Hull.

WHEREAS, it is hoped that his many and arduous duties as Secretary of State, growing out of the national emergency, will not prevent his again visiting the State for his winter vacation during this session of the Legislature; and

Visit during this  
session of Legis-  
lature desired.

WHEREAS, the General Assembly of North Carolina desires that he address a joint session thereof:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Honorable Cordell Hull, Secretary of State of the United States, be, and he is hereby invited to visit the State of North Carolina and address a joint session of the General Assembly at its present session at such hour and on such date as may be convenient for him to do so.

Invited to ad-  
dress joint  
session.

SEC. 2. That a committee of two from the Senate be appointed by the Lieutenant Governor, and three from the House be appointed by the Speaker, to extend this invitation to the Honorable Cordell Hull.

Committee to  
extend invitation.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

Ratified this the 21st day of January, 1943.

H. R. 77

RESOLUTION 6

JOINT RESOLUTION COMMEMORATING GENERAL ROBERT E. LEE'S BIRTHDAY.

WHEREAS, January nineteenth is the one hundred and thirty-sixth birthday of General Robert E. Lee; and

Preamble:  
Birthday of Gen-  
eral Robert E.  
Lee.

WHEREAS, his unconquerable spirit gave hope and courage in a land where the future was dark; and

His unconquerable  
spirit.

WHEREAS, he turned from the battlefield to teach and to rebuild; and

His example a source of inspiration.

WHEREAS, the example of that illustrious soldier and gentleman is more than ever today a source of inspiration; and

General Lee forever remembered.

WHEREAS, General Robert E. Lee will be forever remembered wherever men cherish honor, integrity, leadership, and courage, both physical and spiritual:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

General Assembly to adjourn in honor of his birthday.

SECTION 1. That when the General Assembly adjourns on Tuesday the nineteenth day of January, one thousand nine hundred and forty-three, it do adjourn in honor of the one hundred and thirty-sixth birthday of General Robert E. Lee.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 21st day of January, 1943.

## H. R. 85

## RESOLUTION 7

A JOINT RESOLUTION INVITING HONORABLE HENRY B. STEAGALL, CONGRESSMAN FROM THE THIRD DISTRICT OF ALABAMA AND CHAIRMAN OF THE BANKING AND CURRENCY COMMITTEE, TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY.

Preamble:  
Visit of Honorable Henry B. Stegall, Member of Congress.

WHEREAS, Honorable Henry B. Steagall, Congressman from the Third District of Alabama, and Chairman of the Banking and Currency Committee, is expected to be in North Carolina on Wednesday, January twenty-seventh, one thousand nine hundred and forty-three; and

WHEREAS, The General Assembly of North Carolina is desirous that he address the General Assembly in joint session:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Invited to address joint session.

SECTION 1. That Honorable Henry B. Steagall, Congressman from the Third District of Alabama, and Chairman of the Banking and Currency Committee, be, and he hereby is, invited to address a joint session of the General Assembly of North Carolina at twelve-fifteen p. m. on Wednesday, January twenty-seventh, one thousand nine hundred and forty-three, or as near such hour on said day as his convenience will permit.

SEC. 2. That a committee of two from the Senate, to be appointed by the Lieutenant-Governor, and three from the House, to be appointed by the Speaker, extend this invitation to Congressman Steagall.

Committee to extend invitation.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 25th day of January, 1943.

S. R. 51

### RESOLUTION 8

A JOINT RESOLUTION EMPOWERING THE GOVERNOR OF NORTH CAROLINA TO APPOINT A SPECIAL COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE PRESENT FACILITIES OF THE CASWELL TRAINING SCHOOL, AND MAKING RECOMMENDATIONS AS TO HOW SAID FACILITIES MAY BE EXPANDED TO MEET THE PRESENT NEEDS AND REQUIREMENTS OF AN INSTITUTION OF THIS TYPE.

WHEREAS, the Caswell Training School has, for many years, rendered outstanding service to the people of the State of North Carolina in caring for, training, and educating the State's mental defectives; and

Preamble:  
Outstanding service of Caswell Training School.

WHEREAS, this is the only institution in North Carolina supported by the State engaged in this noble and highly desirable enterprise; and

Only State supported institution of this type in North Carolina.

WHEREAS, it appears from the reports of the various welfare agencies in the State that the Caswell Training School is unable to accept and care for all the persons who are eligible to admission to said institution; and

School unable to accept all persons eligible.

WHEREAS, said condition is brought about as a result of the lack of facilities at said institution to care for the number of persons eligible for admission therein; and

Lack of facilities.

WHEREAS, one of the primary duties of the State is to furnish sufficient facilities, to segregate, care for, train and educate its mental defectives; and

State should furnish such facilities.

WHEREAS, it is necessary and proper that a committee be appointed by the Governor to investigate the present facilities of the Caswell Training School and make whatever recommendations are necessary and proper to the end that the facilities of the State be expanded so as to provide for the care and education of all eligible mental defectives in the State:

Committee to investigate.

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Appointment of committee to investigate present facilities of Caswell Training School and advisability of expanding said facilities.

SECTION 1. That the Governor of North Carolina be, and he is hereby, authorized, directed, and empowered to appoint a special committee of five members of the General Assembly, which shall consist of two members from the Senate and three members from the House, to investigate the present facilities of the Caswell Training School with the view towards making recommendations as to the expansion of said facilities so that all the eligible mental defectives in North Carolina may receive the proper care, treatment and instruction. In making the investigation, said committee may not only investigate the advisability or practicability of undertaking to expand the facilities of said Caswell Training School at its present location, but may also consider the advisability and practicability of providing additional facilities at other localities in the State to meet the present and future needs.

Report and recommendations to Governor and General Assembly.

SEC. 2. Said committee shall immediately upon appointment proceed to make such investigation and shall report its findings and recommendations to the Governor and the General Assembly during the present session of said General Assembly.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 28th day of January, 1943.

H. R. 47

## RESOLUTION 9

A JOINT RESOLUTION AUTHORIZING THE MEMBERS OF THE HOUSE AND SENATE COMMITTEES ON INTER-STATE COOPERATION TO ATTEND THE SIXTH GENERAL ASSEMBLY OF THE COUNCIL OF STATE GOVERNMENTS IN BALTIMORE, MARYLAND.

Meeting of Sixth General Assembly of the Council of State Governments.

WHEREAS, the Sixth General Assembly will be held at the Emerson Hotel, Baltimore, Maryland, Sunday, Monday and Tuesday, January twenty-fourth, twenty-fifth and twenty-sixth, one thousand nine hundred and forty-three, to deliberate upon important interstate problems requiring cooperative action by the States with each other, and with the Federal Government; and

WHEREAS, the Sixth General Assembly offers an opportunity for the consideration by the delegates of all matters requiring cooperative action; and

Benefits from State's representation at this meeting.

WHEREAS, it is believed that substantial benefits would result from this State's representation at the Sixth General Assembly, and that such Assembly offers a means of surmounting obvious

difficulties arising in governmental activities due to the absence of facilities for conference between governmental units; and

WHEREAS, under Chapter three hundred and seventy-four of the Public Laws of one thousand nine hundred and thirty-seven, provision is made for the appointment of a standing committee of the House of Representatives to be known as the House Committee on Interstate Coöperation, consisting of five members appointed by the Speaker, the Speaker being ex officio an honorary member thereof; and

Ch. 374. Public Laws, 1937, provides for standing committee known as House Committee on Interstate Cooperation.

WHEREAS, like provision is made for the appointment of a standing committee of the Senate to be known as the Senate Committee on Interstate Coöperation, consisting of five Senators appointed by the President of the Senate, the President of the Senate being ex officio an honorary member thereof; and

Similar committee known as Senate Committee on Interstate Cooperation.

WHEREAS, the members of said committees constitute, with the Governor's Committee, the North Carolina Commission on Interstate Coöperation; and

N. C. Commission on Interstate Cooperation.

WHEREAS, the members of said committees are urgently invited to attend the Sixth General Assembly of the Council of State Governments hereinbefore referred to:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the members of the Senate and House Committees on Interstate Coöperation are hereby authorized to attend the Sixth General Assembly of the Council of State Governments meeting in Baltimore, Maryland, on January twenty-fourth, twenty-fifth and twenty-sixth, one thousand nine hundred and forty-three, and the members of said committees so attending shall be entitled to reimbursement for actual travel and reasonable subsistence expenses incurred in attending said meeting, to be paid out of the appropriation for legislative expenses upon presentation to the Budget Bureau of a proper statement of such expenses.

Members of Senate and House Committee on Interstate Cooperation authorized to attend Sixth General Assembly of Council of State Governments.

Reimbursement for expenses incurred.

SEC. 2. That the said committees, through the chairmen thereof respectively, shall make such report to the House of Representatives and the Senate respectively as may be deemed proper on the problems of interstate coöperation, said report to be made within ten days after the return of said delegation.

Reports to Senate and House of Representatives.

SEC. 3. This Joint Resolution shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

H. R. 186

## RESOLUTION 10

A JOINT RESOLUTION COMMENDING THE ATTORNEY GENERAL AND THE DIVISION OF LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES FOR COMPILING THE GENERAL STATUTES OF NORTH CAROLINA.

Preamble:  
Division of  
Legislative  
Drafting and  
Codification of  
Statutes created  
by General As-  
sembly of 1939.

WHEREAS, the one thousand nine hundred and thirty-nine General Assembly of the State of North Carolina created a Division in the Department of Justice, to be known as the Division of Legislative Drafting and Codification of Statutes; and

Division has  
been recodifying  
laws.

WHEREAS, this Division has been engaged in the work of recodifying the laws of the State of North Carolina since that time; and

Recodification  
prepared by  
Attorney General  
and his staff.

WHEREAS, Harry McMullan, Attorney General, W. J. Adams, Jr., Assitant Attorney General, and Harry W. McGalliard, Chief of the Division of Legislative Drafting and Codification of Statutes, together with their able and competent staff, have prepared the recodification which will be of inestimable service to all of those in the State who may have occasion to use it; and

Committee of  
lawyers appointed  
to assist in plan-  
ning General  
Statutes.

WHEREAS, at the request of the Attorney General, Kingsland Van Winkle, the then President of the North Carolina Bar Association, and Fred S. Hutchins, the then President of the North Carolina State Bar, appointed a committee of able lawyers to assist in planning the General Statutes, consisting of the following members: Bennett H. Perry, Henderson; H. G. Hedrick, Durham; H. Gardner Hudson, Winston-Salem; Clifford Frazier, Greensboro; and Bryan Grimes, Washington, for the North Carolina Bar Association; and C. W. Tillett, Charlotte; Jack Joyner, Statesville; H. J. Hatcher, Morganton; Frank E. Winslow, Rocky Mount; and William T. Joyner, Raleigh, for the North Carolina State Bar; and

Certain other  
members named  
by Attorney  
General.

WHEREAS, at the request of the Attorney General, the following named persons also served as a part of this committee: A. A. F. Seawell, Associate Justice of the Supreme Court; Dean M. T. Van Hecke, of the University Law School; Dean H. C. Horack, of the Duke University Law School; Dean Dale F. Stansbury, of the Wake Forest Law School; and Dillard S. Gardner, Raleigh, Supreme Court Marshal and Librarian; and

Legislative Com-  
mission on Recod-  
ification created  
by General As-  
sembly of 1941.

WHEREAS, the one thousand nine hundred and forty-one General Assembly created a Legislative Commission on Recodification, consisting of F. E. Wallace, Chairman, J. A. Pritchett, Hubert C. Jarvis, Irving Carlyle, Rupert T. Pickens, Julian R. Allsbrooks, J. Q. LeGrand, O. L. Richardson, Arch T. Allen, John Kerr, Jr., George R. Uzzell, W. Frank Taylor, S. O. Worth-

ington, J. T. Pritchett, Forrest A. Pollard, T. E. Story, Jeff D. Johnson, Jr., E. T. Sanders, J. C. Pittman, Wade B. Matheny, John W. Wallace, John D. Larkins, Jr., Thomas J. Gold, Archie C. Gay, Herbert Leary and Hugh G. Horton, which worked in close coöperation with the Attorney General and the Division of Legislative Drafting and Codification of Statutes; and

WHEREAS, the one thousand nine hundred and forty-three General Assembly has enacted into law this recodification of the laws of this State, to be known as the "General Statutes of North Carolina":

Recodification enacted by General Assembly of 1943 as the "General Statutes of North Carolina."

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the General Assembly of North Carolina hereby expresses its appreciation for the splendid work of the Advisory Committee, the Legislative Commission on Recodification, the Division of Legislative Drafting and Codification of Statutes, and especially Harry McMullan, Attorney General, W. J. Adams, Jr., Assistant Attorney General, and Harry W. McGalliard and the staff of said Division, in recodifying the laws of North Carolina.

Appreciation of General Assembly expressed.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 1st day of February, 1943.

S. R. 142

## RESOLUTION 11

A JOINT RESOLUTION URGING THE FEDERAL AUTHORITIES TO APPLY PRICE CEILINGS TO THE FLUE CURED TOBACCO CROP BY A METHOD WHICH WILL NOT DESTROY THE AUCTION SYSTEM OF SELLING TOBACCO.

WHEREAS, the growing and marketing of tobacco is one of North Carolina's foremost industries, affecting the lives, prosperity and property of a large number of its citizens; and

Preamble:  
Growing and marketing of tobacco one of foremost industries of N. C.

WHEREAS, by the free choice of the tobacco growers, the auction system of selling tobacco has been adopted and now prevails in North Carolina; and

Auction system of selling tobacco prevails in N. C.

WHEREAS, the preservation of the auction method of selling tobacco, with its competitive features, is essential and necessary in order to preserve a free market where tobacco can be offered and sold according to its true value subject only to a price ceiling of Office of Price Administration; and

Preservation of auction method necessary to preserve free market.

Price ceiling on buyer's averages in sale of 1942 crop tended to preserve the auction system.

WHEREAS, the price ceilings on buyers' averages, as enforced in the sale of the one thousand nine hundred and forty-two flue cured crop was in the main satisfactory to growers and tended to preserve the auction system and its competitive features:

*Now, therefore, be it resolved by the Senate of the State of North Carolina, the House of Representatives concurring:*

Request to U. S. Department of Agriculture and O. P. A. as to method of establishing price ceilings for 1943 crop.

SECTION 1. That the United States Department of Agriculture and the Office of Price Administration be requested and urged, in establishing price ceilings for the one thousand nine hundred and forty-three crop of flue cured tobacco, to establish such ceilings on buyers' averages, but not on individual baskets of tobacco, in order to protect and preserve a free market for the sale of leaf tobacco at auction.

Copies to members of Congress from N. C. and to Secretary of Agriculture and O. P. A. Administrator.

SEC. 2. That a copy of this Resolution be forwarded to each member of Congress from North Carolina and to the Secretary of Agriculture and to the Office of Price Administration Administrator.

SEC. 3. That this Resolution shall be in effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. R. 349

## RESOLUTION 12

A JOINT RESOLUTION PROVIDING FOR A VISIT OF THE GENERAL ASSEMBLY TO THE NAVY PRE-FLIGHT SCHOOL AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, NORTH CAROLINA.

Preamble:  
Navy Pre-Flight School at University of North Carolina.

WHEREAS, the United States Navy Department has seen fit to place one of their Navy Pre-Flight Schools on the campus of the University of North Carolina at Chapel Hill, North Carolina; and

Work of Pre-Flight School of interest to General Assembly.

WHEREAS, the work of the Navy Pre-Flight School is a matter of interest and concern to members of the General Assembly; and

Assembly invited to visit Pre-Flight School.

WHEREAS, the Commandant of the Navy Pre-Flight School at Chapel Hill has expressed his desire to have the General Assembly as guest of the Navy Pre-Flight School:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Committee on Arrangements.

SECTION 1. That the presiding officers of the Senate and the House shall appoint a committee to make necessary arrangements, and name the date for the visit of the General Assembly to the Navy Pre-Flight School at Chapel Hill.

SEC. 2. *Be it further resolved*, that we respectfully invite His Excellency, The Honorable J. Melville Broughton, Governor of our State, and the members of the Council of State to accompany the Legislature on its visit to the Navy Pre-Flight School at Chapel Hill, North Carolina.

Governor and Council of State invited to accompany Legislature.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, 1943.

H. R. 348

RESOLUTION 13

A JOINT RESOLUTION REQUESTING DELEGATION IN CONGRESS TO SUPPORT THE BILL OF REPRESENTATIVE BARDEN TO PROVIDE VOCATIONAL REHABILITATION, TRAINING, AND OTHER SERVICES TO PERSONS DISABLED WHILE MEMBERS OF THE ARMED FORCES, OR DISABLED IN WAR INDUSTRIES OR THROUGH OTHER CAUSES, OR CONGENITALLY DISABLED, AND TO RENDER SUCH PERSONS FIT FOR SERVICE IN WAR INDUSTRIES, AGRICULTURE, OR OTHER USEFUL CIVILIAN INDUSTRY.

WHEREAS, a bill has recently been introduced in Congress by Representative Barden to provide vocational rehabilitation education, training, and other services to persons disabled while members of the armed forces, or disabled in war industries or through other causes, or congenitally disabled, and to render such persons fit for service in war industries, agriculture, or other useful civilian industry, and for other purposes; and

Preamble:  
Bill introduced in Congress for vocational rehabilitation of certain persons.

WHEREAS, the purpose of said bill is to make more effective and efficient the program of vocational rehabilitation of disabled individuals and their return to productive employment by increasing Federal participation in grants to states for rehabilitation training and by making certain vocational rehabilitation services available on a uniform national basis at Federal expense; and

Purpose of bill.

WHEREAS, the effect of said bill will be not only to provide for the rehabilitation of disabled veterans as they are sent home from the battle fronts of the present world conflict, but also to relieve the man power shortage by the rehabilitation of persons who are physically handicapped, and their placement in employment; and

Effect of bill.

WHEREAS, Congressman Barden, as Chairman of the important House Education Committee, in the introduction and sponsorship of this bill, has proved himself to be not only a great statesman, but also with a broad vision toward the present and future problems which confront our great Nation; and

Statesmanship of Congressman Barden.

WHEREAS, it is the desire of this body that the Senators and Representatives in Congress from North Carolina lend their wholehearted and full support toward the passage of this bill:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Senators and Representatives in Congress from N. C. requested to support said bill.

SECTION 1. That the Senators and Representatives in Congress from North Carolina be, and they are hereby requested to give their support to the bill introduced by Congressman Barden to provide vocational rehabilitation education, training, and other services to persons disabled while members of the armed forces, or disabled in war industries or through other causes, or congenitally disabled, and to render such persons fit for service in war industries, agriculture, or other useful civilian industry, and for other purposes.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 11th day of February, 1943.

S. R. 227

#### RESOLUTION 14

A JOINT RESOLUTION INVITING MADAME CHIANG KAI-SHEK TO ADDRESS A JOINT SESSION OF THE GENERAL ASSEMBLY AND MAKE A PUBLIC APPEARANCE IN THE CITY OF RALEIGH, THE CAPITAL OF NORTH CAROLINA.

Preamble:  
Madame Chiang Kai-Shek visiting U. S.

WHEREAS, Madame Chiang Kai-Shek, First Lady of our noble ally, the Republic of China, and one of the world's most prominent women leaders, is now visiting in the United States; and

Father educated in N. C.

WHEREAS, she is the daughter of the Honorable Charles Soong who was educated in the State of North Carolina:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Invited to address Assembly.

SECTION 1. That Madame Chiang Kai-Shek be and she is hereby invited to address a joint session of the General Assembly of North Carolina during her visit to the United States at such time as may be convenient for her to do so; and that the General Assembly do hereby endorse, approve and concur in the invitation extended to her to make a public appearance in the City of Raleigh, the Capital of the State of North Carolina, under the auspices of the College Student Service Committee composed of colleges in the City of Raleigh.

Invited to make public appearance in Raleigh.

Committee to extend invitation.

SEC. 2. That the presiding officers of the Senate and House of Representatives appoint an appropriate committee through

which the action of the General Assembly may be transmitted to Madame Chiang Kai-Shek and make suitable arrangements incident to her appearance in keeping with the provisions of this Resolution.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 17th day of February, 1943.

H. R. 492

RESOLUTION 15

JOINT RESOLUTION TO PETITION THE OFFICE OF PRICE ADMINISTRATION TO ADJUST FAIRLY THE PRICE OF MILK TO BE PAID TO THE FARMER.

WHEREAS, the Office of Price Administration has temporarily frozen milk prices on the farm level at the prices prevailing during the month of January, one thousand nine hundred and forty-three; and

WHEREAS, the ratio between the price of milk and the cost of feed and labor was very unfavorable at that time to the producers and is now even more unfavorable; and

WHEREAS, the Office of Price Administration in fixing ceilings on feed manufacturers, warehousemen, handlers and dealers, has provided for reasonable margins of profits; and

WHEREAS, fifty-six herds of dairy cattle have already been sold in North Carolina and many other dairymen are seriously contemplating sale because milk prices are insufficient to cover mounting feed and labor costs; and

WHEREAS, North Carolina is a milk deficient State and imports more than two million pounds of milk per month; and

WHEREAS, any decrease in milk production in North Carolina will necessitate increased shipment of milk into the State and further burden transportation facilities; and

WHEREAS, this order will result in a decrease in milk production in North Carolina far below present demands and further aggravate the growing food shortage;

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Office of Price Administration be requested to reconsider their action and either rescind the order or fix milk prices at the farm level high enough to cover all feed and labor costs and allow a reasonable margin of profit.

Preamble:  
O. P. A. has frozen milk prices.

Ratio between price of milk and cost of feed and labor unfavorable.

O. P. A. in fixing certain ceiling, has provided for reasonable margins of profits.

Herds of dairy cattle being sold because milk prices insufficient to cover mounting costs.

N. C. imports milk.

Decrease in milk production will necessitate increased imports of milk.

O. P. A. order will further aggravate growing food shortage.

O. P. A. requested to reconsider.

Copies to Senators and Representatives in Congress from N. C. and others.

N. C. Senators and Congressmen requested to get O. P. A. to reconsider.

SEC. 2. That a copy of this Resolution be sent to the Honorable James F. Byrnes, Director of Economic Stabilization, the Honorable Claude R. Wickard, Secretary of Agriculture, the Honorable Prentiss Brown, Director of the Office of Price Administration and to each Senator and Representative from North Carolina in the National Congress, with the request that our Senators and Congressmen do everything possible to get the Office of Price Administration to reconsider this action and get this matter adjusted before it is too late.

This Resolution is in full force and effect immediately after ratification.

Ratified this the 17th day of February, 1943.

H. R. 543

RESOLUTION 16

A JOINT RESOLUTION MEMORIALIZING CAPTAIN W. MONROE WICKER, KILLED IN ACTION IN NORTHERN AFRICA.

Captain W. Monroe Wicker a resident of Charlotte and Kenansville.

WHEREAS, Captain W. Monroe Wicker was a citizen of North Carolina and a resident of Charlotte and Kenansville; and

Service to people of State and of Town of Kenansville.

WHEREAS, Captain W. Monroe Wicker has served the people of this State and the Town of Kenansville faithfully as a minister of the Presbyterian Church, and has, by his exemplary life, been a source of inspiration to his people; and

Killed in action in U. S. Army.

WHEREAS, Captain W. Monroe Wicker answered the call of his country and died in its service as an officer in the United States Army, being killed in action in Northern Africa on November eighth, one thousand nine hundred and forty-two:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Loss to State.

SECTION 1. That in the death of Captain Wicker the State of North Carolina has lost one of its most useful, loyal, and patriotic citizens.

Sympathy extended.

SEC. 2. That the General Assembly extends its deepest sympathy to the widow and mother of Captain Wicker.

Adjournment in memory of Captain Wicker.

SEC. 3. That when the General Assembly adjourns on Thursday, February eighteenth, one thousand nine hundred and forty-three, it do adjourn in memory of Captain Wicker.

Copies of resolution to certain members of family.

SEC. 4. That a copy of this Resolution be furnished to Mrs. W. Monroe Wicker, Sr., Belvidere Avenue, Charlotte, North Carolina, and to Mrs. W. Monroe Wicker, one thousand one hundred and twenty-two East twenty-third Street, Winston-Salem, North Carolina.

SEC. 5. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 22nd day of February, 1943.

H. R. 333

RESOLUTION 17

A JOINT RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA CONCERNING EMPLOYER'S EXPERIENCE RATING SYSTEM OF THE UNEMPLOYMENT COMPENSATION LAW.

*Be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Governor of North Carolina shall appoint a commission consisting of five members, three from the House of Representatives and two from the Senate, to study the system of employer's experience rating under the Unemployment Compensation Law of the State of North Carolina, with a view of determining whether the present statute shall remain in full force and effect, or whether it should be modified, or whether another system should be adopted. This commission is to report to the Governor on or before October first, one thousand nine hundred and forty-four.

Appointment of commission to study system of employer's experience rating under Unemployment Compensation Law.

Report to Governor.

SEC. 2. The members of this commission shall serve without compensation, but shall be allowed actual expenses while engaged in the performance of their duties as hereinbefore set forth.

To serve without compensation, except actual expenses.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. R. 620

RESOLUTION 18

A JOINT RESOLUTION EXPRESSING APPRECIATION TO CAPTAIN JAMES P. GRAFF AND HONORABLE JOHN W. UMSTEAD, JUNIOR, FOR ARRANGING THE VISIT OF THE GENERAL ASSEMBLY TO THE NAVAL PRE-FLIGHT SCHOOL IN CHAPEL HILL.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. The General Assembly of North Carolina does hereby express to Captain James P. Graff and members of his staff and to Honorable John W. Umstead, Junior, Representative from Orange County, the appreciation of the General Assembly for the hospitality extended to the General Assembly, and the arrangement of transportation facilities and entertain-

Appreciation for hospitality expressed to Captain James P. Graff and staff of Naval Pre-Flight School at Chapel Hill.

Also to Hon. John W. Umstead, Jr., Representative from Orange County.

Copies of resolution to Captain Graff and Representative Umstead.

ment in connection with the visit to the Naval Pre-Flight School at Chapel Hill, and wishes to commend Captain Graff and the members of his staff for the fine service they are performing in the training of Naval Aviation Cadets.

SEC. 2. Copies of this Resolution shall be sent to Captain James P. Graff and Honorable John W. Umstead, Junior.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 24th day of February, 1943.

H. R. 714

RESOLUTION 19

A JOINT RESOLUTION EXPRESSING APPRECIATION TO COMMANDER JOHN P. GRAFF, U.S.N. RET., AND HONORABLE JOHN W. UMSTEAD, JUNIOR, FOR ARRANGING THE VISIT OF THE GENERAL ASSEMBLY TO THE NAVAL PRE-FLIGHT SCHOOL IN CHAPEL HILL.

*Be it resolved by the House of Representatives, the Senate concurring:*

Appreciation for hospitality expressed to Commander John P. Graff and staff of Naval Pre-Flight School at Chapel Hill.

Also to Hon. John W. Umstead, Jr., Representative from Orange County.

Copies of resolution to Commander Graff and Representative Umstead.

SECTION 1. The General Assembly of North Carolina does hereby express to Commander John P. Graff and members of his staff and to Honorable John W. Umstead, Junior, Representative from Orange County, the appreciation of the General Assembly for the hospitality extended to the General Assembly, and the arrangement of transportation facilities and entertainment in connection with the visit to the Naval Pre-Flight School at Chapel Hill, and wishes to commend Commander Graff and the members of his staff for the fine service they are performing in the training of Naval Aviation Cadets.

SEC. 2. Copies of this Resolution shall be sent to Commander John P. Graff and Honorable John W. Umstead, Junior.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

H. R. 544

## RESOLUTION 20

A JOINT RESOLUTION INDORSING THE PHARMACY CORPS BILL, H. R. 997, S. 216, TO CREATE A PHARMACY CORPS IN THE UNITED STATES ARMY, NOW PENDING IN THE CONGRESS OF THE UNITED STATES.

WHEREAS, there is now pending in the Congress of the United States, H. R. 997, S. 216, to create a Pharmacy Corps in the United States Army; and

WHEREAS, there is a definite need in this war emergency for the capable handling of drugs, medicines and pharmaceuticals which are used in the treatment of diseases of our boys and girls in the armed forces; and

WHEREAS, at the present there is no law providing for the creation of such a Pharmacy Corps: *Now, therefore,*

*Be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the General Assembly of North Carolina does hereby unanimously indorse the Pharmacy Corps Bill, H. R. 997, S. 216, and requests the members of Congress to enact the same into law.

SEC. 2. That a copy of this Resolution be sent to the President of the United States, President of the United States Senate, the Speaker of the House of Representatives, the Secretary of War, the Surgeon General of the United States Army, and to the North Carolina Members of Congress.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 1st day of March, 1943.

Preamble:

Bill pending in Congress to create Pharmacy Corps in U. S. Army.

Need for capable handling of drugs, etc.

No law at present for creation of such corps.

Pharmacy Corps Bill unanimously endorsed by Assembly.

Passage by Congress requested.

Copies of Resolution to President and others.

H. R. 688

## RESOLUTION 21

A JOINT RESOLUTION CONTINUING THE COMMISSION APPOINTED BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA AS PROVIDED IN JOINT RESOLUTION TWENTY-ONE OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RATIFIED MARCH TENTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, FOR THE PURPOSE OF CONTINUING ITS INVESTIGATION AND STUDY AND RECOMMENDING TO THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND FORTY-FIVE A REDISTRICTING OF THE JUDICIAL AND SOLICITORIAL DISTRICTS OF THE STATE AND ARRANGING A SCHEDULE OF COURTS TO CONFORM TO SUCH REDISTRICTING.

## Preamble:

Appointment of Commission authorized in 1941 to inquire into feasibility of increasing Judicial Districts.

WHEREAS, The General Assembly of one thousand nine hundred and forty-one adopted a Joint Resolution entitled "A Joint Resolution Authorizing the Governor of the State of North Carolina to appoint a Commission Composed of Nine Members to inquire into the Feasibility of Increasing the Number of Judicial Districts in the State of North Carolina," which was ratified March tenth, one thousand nine hundred and forty-one; and

## Commission appointed.

WHEREAS, the Governor of the State of North Carolina, acting under the authority of said Joint Resolution, appointed a commission consisting of the persons hereinafter named, which commission duly filed its report and made certain recommendations, which report and recommendations were transmitted by the Governor to this General Assembly and have received its consideration; and

## Report of Commission.

Impracticable to comply with recommendations of commission without arranging terms of court.

WHEREAS, it would have been impracticable to comply with the recommendations of the commission that the judicial districts be rearranged and a larger number created, and that sixteen solicitorial districts be created without arranging at the same time the various terms of court to conform thereto; and

Desirable to continue commission.

WHEREAS, it is deemed desirable that said commission be continued for the purpose of completing its work:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Commission continued in order to effect purpose of Resolution.

SECTION 1. That the commission appointed by the Governor of the State of North Carolina under Joint Resolution twenty-one of the General Assembly of one thousand nine hundred and forty-one, ratified March tenth, one thousand nine hundred and forty-one, consisting of the following members: Wilkins P. Horton, Chairman, E. T. Sanders, John D. Larkins, Jr., J. A.

Pritchett, H. I. McDougle, Hubert C. Jarvis, W. B. Rodman, Jr., Willis Smith, and Fred Hutchins, be and the same is hereby continued as the commission to effect the purposes of this Resolution. The Governor shall have the power to appoint not more than two members of said commission in addition to those above named within sixty days from the ratification of this Resolution, and to fill vacancies at any time.

New members to be added.

SEC. 2. That the purpose of said commission shall be to continue its study of the judicial and solicitorial districts of the State of North Carolina and a rearrangement of the terms of the Superior Court to conform thereto as provided in said Joint Resolution twenty-one, ratified March tenth, one thousand nine hundred and forty-one, and it shall be the duty of the said commission to file a report with the Governor of the State of North Carolina not later than September first, one thousand nine hundred and forty-four, setting forth its conclusions and recommendations accompanied by appropriate proposals for Acts of the General Assembly which shall include proposals fixing the number and geographical arrangement of both the judicial and solicitorial districts of the State and arranging the terms of the Superior Court to conform thereto.

Purpose.

Report to Governor.

Recommendations to General Assembly.

SEC. 3. That the members of said commission shall serve without compensation, but shall be allowed actual expenses while engaged in the performance of their duties as hereinbefore set out.

To serve without compensation.

Expenses allowed.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 2nd day of March, 1943.

## H. R. 511                      RESOLUTION 22

A JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMISSION FOR THE PURPOSE OF STUDYING THE POSSIBILITIES OF THE PERPETUAL PRESERVATION OF THE BIRTHPLACE AND HOMESTEAD OF GOVERNOR ZEBULON BAIRD VANCE.

WHEREAS, during the great crisis of our nation, North Carolina elected its great war Governor, Honorable Zebulon Baird Vance, who served this State ably during its most trying time, and

Preamble:  
Service of  
Zebulon Baird  
Vance as war  
Governor.

WHEREAS, he ably and successfully managed the affairs of North Carolina, promoted education, and the general welfare of the people in times of great distress and hardship, and

Promoted education, general welfare of people, etc.

State should preserve his birthplace.

WHEREAS, this State should pay homage to him by the preservation of his birthplace and homeplace located on Reems Creek in Buncombe County, North Carolina.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Governor authorized to appoint commission to study advisability of preserving homeplace of Vance.

SECTION 1. That the Governor of North Carolina be and is hereby authorized, empowered and requested, to appoint a special and impartial commission of eight citizens of the State of North Carolina for the purpose of making a study of the feasibility and advisability of establishing a State shrine for the preservation of the birthplace and homeplace of Honorable Zebulon Baird Vance.

Report and recommendations.

SEC. 2. That the said commission shall make a report of its findings and recommendations to the Governor and Advisory Budget Commission on or before the first day of July, one thousand nine hundred and forty-four, in order that the Governor and the Advisory Budget Commission may, if they think it advisable, recommend to the General Assembly of one thousand nine hundred and forty-five the establishment of said shrine.

Members to serve without pay.

SEC. 3. That the members of the commission shall serve without pay, and shall not incur any expenses or obligations for the State of North Carolina.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 3rd day of March, 1943.

S. R. 270

### RESOLUTION 23

#### A JOINT RESOLUTION TO PROVIDE FOR A COMMISSION ON STATUTORY REVISION.

Preamble:  
Recommendations of Division of Legislative Drafting and Codification of Statutes with respect to existing statutes.

WHEREAS, in addition to preparing the General Statutes of North Carolina, enacted by the General Assembly of one thousand nine hundred and forty-three and ratified February fourth, the Division of Legislative Drafting and Codification of Statutes of the State Department of Justice has also prepared and submitted to the General Assembly many recommendations with respect to certain existing statutes wherein ambiguity, inconsistency and conflict exist; and

Clarifying statutes should be presented to General Assembly.

WHEREAS, it is important that clarifying statutes be drafted with respect to such recommendations for presentation to the General Assembly; and

WHEREAS, the long and careful study necessary for the preparation and consideration of such clarifying statutes could not be given many of the recommendations by legislative committees during the present General Assembly because of the shortness of time and the press of other legislative business of more immediate importance; and

Present General Assembly could not give consideration to clarifying statutes.

WHEREAS, the assistance of a Legislative Commission to the Division of Legislative Drafting and Codification of Statutes in preparing proper clarifying bills during the next biennium would be invaluable:

Legislative Commission invaluable.

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. A Commission on Statutory Revision is hereby created. Such commission shall consist of twelve members, the same being the chairmen and the subcommittees of the Committees on Recodification of the Senate and House of Representatives, to-wit: Senators Irving E. Carlyle, Brandon P. Hodges, D. E. Hudgins, Wade B. Matheny, K. A. Pittman, and Representatives Oscar G. Barker, Frank W. Hancock, Jr., A. I. Ferree, Bryan Grimes, W. I. Halstead, Robert Moseley and Kerr Craige Ramsey. The commission shall elect a chairman at its first meeting. In the event any member of the commission herein named resigns or does not serve, the Governor is hereby authorized to fill such vacancies.

Commission on Statutory Revision created.

Members.

Vacancies.

SEC. 2. It shall be the duty of the commission, acting in an advisory capacity, to cooperate with the Attorney General and the Division of Legislative Drafting and Codification of Statutes in the study of the recommendations of the division with respect to desirable clarifying statutes and the preparation of such proposed statutes for submission to the General Assembly of one thousand nine hundred and forty-five. The commission shall make a report of its activities and recommendations to the Governor and General Assembly of one thousand nine hundred and forty-five.

Duties of commission.

Report and recommendations.

SEC. 3. The term of service of the commission herein provided for shall continue until January first, one thousand nine hundred and forty-five.

Term.

SEC. 4. Members of the commission shall be paid seven dollars (\$7.00) per day for actual attendance upon meetings of the commission or meetings of committees of the commission and shall also receive necessary travel expenses, to be paid out of the Contingency and Emergency Fund.

Compensation.

SEC. 5. This Resolution shall be in full force and effect from and after the adjournment of the present Session of the General Assembly.

Effective date.

Ratified this the 5th day of March, 1943.

S. R. 341

RESOLUTION 24

A JOINT RESOLUTION MEMORIALIZING ELECTORS OF THE HALL OF FAME OF NEW YORK UNIVERSITY WITH REFERENCE TO SIDNEY LANIER.

Preamble:  
Sidney Lanier considered for place in Hall of Fame of New York University.

WHEREAS, the Electors of the Hall of Fame of New York University have several times had under consideration the selection of the most famous and beloved Southern born poet, Sidney Lanier, for a place in the Hall of Fame; and

Votes received in 1940 voting of electors.

WHEREAS, in the last voting by the electors in one thousand nine hundred and forty, Sidney Lanier received sixty votes of the one hundred and eight cast, lacking only six votes of receiving the requisite three fifths majority; and

Name will again be presented by South in 1945.

WHEREAS, the people of the South will again present the name of Sidney Lanier for consideration in the Tenth Quinquennial Election of one thousand nine hundred and forty-five, and such recognition of one of the greatest Southerners seems already belated:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Electors of Hall of Fame requested to give consideration to life, work, etc., of Sidney Lanier.

SECTION 1. That without presuming to urge any elector to vote for Sidney Lanier for any reasons of regional location or the enthusiasm with which his support is advocated, we do most respectfully call upon the Electors of the Hall of Fame to give thoughtful and adequate consideration to the work, spirit, achievements and influence of this beloved and distinguished Southerner whose last days were spent in North Carolina, with our confident belief that such consideration will undoubtedly result in the placing of the name of Sidney Lanier in the American Hall of Fame in one thousand nine hundred and forty-five.

Copies to Electors of Hall of Fame of New York University.

SEC. 2. That a certified copy of this Resolution shall be furnished by the Secretary of State to the Electors of the Hall of Fame of New York University.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

S. R. 352

## RESOLUTION 25

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES OF THE GREATER UNIVERSITY OF NORTH CAROLINA AND FOR THE APPROVAL OF APPOINTMENTS TO THE STATE BOARD OF EDUCATION.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Senate and House of Representatives meet in joint session on Friday, March fifth, at twelve-thirty o'clock p. m., in the House chamber for the purpose of electing trustees of the Greater University of North Carolina and for the further purpose of approving appointments to the State Board of Education.

Joint Session of Senate and House to elect Trustees of Greater University, and to approve appointments to State Board of Education.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, 1943.

H. R. 814

## RESOLUTION 26

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE GENERAL ASSEMBLY FOR SERVICES RENDERED BY THE INSTITUTE OF GOVERNMENT.

WHEREAS, the services rendered by the Legislative Staff of the Institute of Government, a division of the University of North Carolina, in analysis of bills, preparation of pending calendars, daily report of calendar action and other assistance to legislators has been of great value to members of the General Assembly and to interested citizens throughout the State;

Preamble: Services of Legislative Staff of Institute of Government.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the General Assembly of North Carolina express its sincere appreciation to the Trustees and Faculty of the University of North Carolina, to the Division of the Institute of Government, and to members of its Legislative staff, for the valuable assistance rendered by them to members of the General Assembly in the conduct of its business.

Appreciation of General Assembly expressed for assistance rendered by Legislative Staff of Institute of Government.

SEC. 2. That this Resolution shall be in full force and effect on and after its ratification.

Ratified this the 6th day of March, 1943.

S. R. 152

## RESOLUTION 27

A JOINT RESOLUTION AMENDING THE JOINT RESOLUTION EMPOWERING THE GOVERNOR TO APPOINT A SPECIAL COMMITTEE FOR THE PURPOSE OF INVESTIGATING THE FACILITIES OF THE CASWELL TRAINING SCHOOL AND MAKING RECOMMENDATIONS AS TO HOW THE SAID FACILITIES MAY BE EXPANDED.

Preamble:  
Special committee to investigate facilities of Caswell Training School, etc.

WHEREAS, a Joint Resolution has heretofore been adopted, authorizing the Governor to appoint a special committee for the purpose of investigating the facilities of the Caswell Training School and making recommendations as to how the said facilities may be expanded; and

Committee authorized to make report during present session of General Assembly.

WHEREAS, said Resolution, in Section two thereof, required said committee to report its findings and recommendations to the Governor and the General Assembly during the present session thereof; and

Impracticable for committee to make investigation and report during present session.

WHEREAS, it will be impracticable for the said committee to make its investigation and report during the present session of the General Assembly:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Committee to make investigation and report as soon as practicable.

SECTION 1. That the committee appointed by the Governor, as authorized by the Resolution hereinbefore referred to, shall proceed to make the investigation contemplated in said Resolution as soon as may be practicable and shall report its findings and recommendations to the Governor as soon as the said report and findings can reasonably be made.

Governor, with approval of Council of State, authorized to take certain action.

SEC. 2. That the Governor, with the approval of the Council of State, is hereby authorized and empowered to take such action following the making of said report as may be deemed expedient in carrying out the recommendations of the said committee with reference to providing sufficient facilities to segregate, care for, train and educate mental defectives of this State. In the event the Governor, with the approval of the Council of State, shall find it necessary, additional facilities may be acquired by gift or by lease, if such are available, and pay the necessary cost of the operation and maintenance of such additional plant and facilities as may be so acquired from the Contingency and Emergency Fund in the event that it shall be found that conditions make it imperative that such plant and facilities be provided prior to the convening of the next General Assembly.

Acquisition of additional facilities.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. R. 200

## RESOLUTION 28

A JOINT RESOLUTION AUTHORIZING AN INVESTIGATION OF FEEBLE-MINDED NEGROES IN THE GOLDSBORO STATE HOSPITAL AND OTHER PLACES, AND PROVIDING FOR A REPORT AND MAKING OF RECOMMENDATIONS WITH RESPECT THERETO.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Governor is hereby authorized and empowered to appoint a commission, consisting of five members, to inquire into the actual conditions, care, treatment and training of the negro feeble-minded in the Goldsboro State Hospital for the Insane, and in other institutions of the State, with a view of recommending a program for the care and training of these unfortunate children, to the end that they may be under the supervision of people skilled in giving the right kind of care to these mental defectives; and said commission shall likewise make an investigation as to the possibility of securing additional facilities at Goldsboro, or elsewhere, for institutional care and treatment of negro feeble-minded in the State; and said commission shall make such further investigation as may be deemed necessary to throw a light upon the situation as to such feeble-minded persons in this State.

Commission to inquire into condition, care, etc., of negro feeble-minded in certain State institutions.

Additional facilities for institutional care and treatment.

SEC. 2. That said commission shall make its report to the Governor at least thirty days prior to the convening of the next session of the General Assembly.

Report to Governor.

SEC. 3. That the members of said commission shall serve without compensation for per diem or expenses.

Members to serve without compensation.

SEC. 4. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. R. 223

## RESOLUTION 29

A JOINT RESOLUTION CREATING A ZEBULON BAIRD VANCE MEMORIAL COMMISSION AND DEFINING THE DUTIES THEREOF.

*Be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Governor is hereby authorized and empowered to appoint a commission, to be known as the Zebulon Baird Vance Memorial Commission, consisting of twenty-five members. It shall be the duty of this commission to elect a chairman and secretary from its membership, and organize as

Governor authorized to appoint Zebulon Baird Vance Memorial Commission.

Organization of Commission.

soon after the appointments are made as may be practicable. The date and place for holding the organization meeting shall be fixed by the Governor.

Powers and duties of commission.

SEC. 2. The commission shall be authorized to solicit and receive donations of money or any other real or personal property, to be used for the acquisition and operation of the property in Statesville, North Carolina, which was occupied by the great statesman and war Governor, Zebulon Baird Vance, and preserve the same as a permanent memorial to this illustrious and distinguished North Carolina war Governor and statesman.

To serve without compensation.

The members of this commission and the officers thereof shall serve without compensation.

SEC. 3. This Resolution shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. R. 313

### RESOLUTION 30

JOINT RESOLUTION WITH RESPECT TO A SUITABLE MEMORIAL FOR ANDREW JACKSON, JAMES K. POLK AND ANDREW JOHNSON.

Preamble:  
Outstanding services of Andrew Jackson, James K. Polk, and Andrew Johnson, as Presidents of U. S.

WHEREAS, three native North Carolinians, Andrew Jackson, James K. Polk and Andrew Johnson became Presidents of the United States, and each of them in a period of national crisis, and each of whom rendered outstanding service in behalf of the Union; and

No suitable memorial provided by N. C.

WHEREAS, North Carolina has not provided a suitable memorial in recognition of their outstanding public services:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Commission authorized to consider suitable memorial for said North Carolinians.

SECTION 1. That the Governor be and is hereby given authority to appoint a representative commission of such number as he may determine, to serve without compensation, to consider the problem of a suitable memorial for these three great native sons of North Carolina and report their findings and recommendations to the Governor to be transmitted by him to the next General Assembly.

Report.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. R. 339

## RESOLUTION 31

## RESOLUTION EXPRESSING APPRECIATION TO THE INCORPORATORS, OFFICERS AND CONTRIBUTING MEMBERS OF NORTH CAROLINA TEXTILE FOUNDATION, INCORPORATED.

WHEREAS, the leaders in the textile industry of North Carolina recognizing the need for research and education in the science of textiles beyond that now available to the industry, caused to be organized on December thirty-first, one thousand nine hundred and forty-two, the North Carolina Textile Foundation, Incorporated; and

WHEREAS, Article three of the Certificate of Incorporation of said North Carolina Textile Foundation, Incorporated, states:

“The objects and purposes for which the corporation is formed are to aid and promote, by financial assistance and otherwise, all types of textile education and research at the North Carolina State College of Agriculture and Engineering of the University of North Carolina, at Raleigh, North Carolina”; and

WHEREAS, the textile industry of North Carolina has already contributed to the principal of said North Carolina Textile Foundation, Incorporated, more than three hundred thousand dollars, an amount which in the opinion of the founders of this agency will be very substantially increased; and, whereas, the establishment of such foundation and the creation of such fund for the purposes stated will immeasurably enlarge and enhance the work of the Textile School of State College and assist greatly in the training of leadership in the textile industry in the coming years:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That we deem the establishment of this Foundation as highly beneficial to the State and express our thanks and appreciation to those who have contributed to this cause, including the officials of the North Carolina Textile Foundation, Incorporated, President W. J. Carter of Greensboro, Vice President A. G. Myers of Gastonia, Treasurer W. H. Ruffin of Durham, Secretary David Clark of Charlotte, and Directors W. J. Carter, J. Spencer Love, John H. Voehringer, K. P. Lewis, C. A. Cannon, R. H. Johnston, David Clark, B. B. Gossett, R. S. Dickson, E. A. Terrell, R. L. Harris, K. S. Tanner, A. A. Shuford, Jr., J. Ed. Millis, O. Max Gardner, H. M. Slater, Luther Hodges, R. M. Hanes, A. G. Myers, A. M. Dixon, S. W. Cramer, W. B. Cole and W. L. Manning.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Preamble:  
Leaders in textile industry caused N. C. Textile Foundation, Inc., to be organized in 1942.

Purposes of Foundation.

Contributions from textile industry to Foundation.

Benefits to Textile School at State College.

Appreciation expressed to contributors to Foundation, and to officials of Foundation.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

Ratified this the 8th day of March, 1943.

S. R. 307

## RESOLUTION 32

A JOINT RESOLUTION CALLING UPON ALL LAW ENFORCEMENT AGENCIES OF THE STATE TO STRICTLY ENFORCE STATE LAWS AGAINST VAGRANCY, TO AID IN THE WAR EFFORT.

Preamble:  
Statute law  
against vagrancy.

WHEREAS, there is now on the statute books of this State a stringent law against vagrants and tramps, which is found in the Consolidated Statutes of one thousand nine hundred and nineteen, Section four thousand four hundred and fifty-nine; and

Many vagrants,  
notwithstanding  
law.

WHEREAS, notwithstanding the provisions of said Act, many persons are wandering or strolling about in idleness who are able to work and have no property to support them, and many are persons who fall within the definition of vagrants and tramps as set forth in said section; and

Demand for  
employment in  
war effort.

WHEREAS, more than ever before, there is immediate demand for the employment of all able-bodied persons in the war effort and war industries; and

Employment  
available.

WHEREAS, by reason of war conditions, suitable employment is now available for every able-bodied person who desires to work either in industry or in agriculture; and

Result of strict  
enforcement  
of law.

WHEREAS, the strict enforcement of the State law against vagrancy may result in increasing the available manpower of the State:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Law enforcement  
officers urged  
to enforce vag-  
rancy law dili-  
gently.

SECTION 1. That all sheriffs, constables and the police and other peace officers of the State are hereby urged to strictly and diligently enforce the provisions of the North Carolina statutes against vagrants and tramps, which is found in Article thirty-nine of Chapter eighty-two of the Consolidated Statutes of North Carolina, to the end that all able-bodied persons fit to work who are by law designated as vagrants or tramps, and who are not engaged in any gainful occupation, shall be compelled to either become employed or be subject to indictment and prosecution under said laws.

Copies of reso-  
lution to Mayors,  
Solicitors, etc.

SEC. 2. That a copy of this Resolution be sent by the Secretary of State to the mayors of all incorporated towns in this State, and a copy be sent to the solicitors and to the prosecuting

attorneys in all inferior courts, and the newspapers of the State be requested to publish the same without compensation therefor.

SEC. 3. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, 1943.

S. R. 359

RESOLUTION 33

JOINT RESOLUTION COMMENDING THE POSTMASTER, D. STATON INSCOE, AND H. B. CAMPEN AND J. C. GAY, CLERKS IN CHARGE OF THE SUBSTATION FOR THE SERVICES RENDERED TO THIS GENERAL ASSEMBLY.

WHEREAS, the members of the General Assembly have received splendid service from the Post Office Department of the City of Raleigh, and from their efficient clerks, H. B. Campen and J. C. Gay, who are in charge of the substation; and,

Preamble:  
Services of  
Post Office De-  
partment of City  
of Raleigh to  
General Assembly.

WHEREAS, the General Assembly desires to express its appreciation for the splendid service rendered in this connection:

General Assembly  
desires to express  
appreciation.

*Be it, therefore, resolved by the Senate and the House of Representatives concurring:*

SECTION 1. That the General Assembly of North Carolina expresses its appreciation to D. Staton Inscoe, Postmaster of the City of Raleigh, and to H. B. Campen and J. C. Gay, clerks of the Post Office Substation located in the Capitol Building for the service that has been rendered to this General Assembly, and to the said clerks, who by their faithful, untiring and efficient service to the members of this General Assembly in caring for and delivering their mail has aided all of them in their work in this General Assembly.

Expression of  
appreciation  
expressed to  
Postmaster and  
clerks.

SEC. 2. The Secretary of State is hereby authorized to deliver a copy of this Resolution to the Postmaster of the City of Raleigh and to forward to the Postmaster General of the United States a copy of this Resolution.

Copies to Post-  
master of Raleigh  
and Postmaster  
General.

SEC. 3. That this Resolution shall be in full force from and after its ratification.

Ratified this the 9th day of March, 1943.

S. R. 363

## RESOLUTION 34

A JOINT RESOLUTION COMMENDING ATTORNEY GENERAL HARRY McMULLAN AND HIS ENTIRE STAFF FOR ASSISTANCE RENDERED THE MEMBERSHIP OF THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE GENERAL ASSEMBLY.

Preamble:  
Skill required to  
draft bills.

WHEREAS, the drafting of bills requires a high degree of technical knowledge and skill; and

Services of  
Attorney General  
McMullan and  
his staff to  
members of  
General Assembly.

WHEREAS, Harry McMullan, Attorney General of the State of North Carolina, together with his staff of assistants and secretaries, have been most coöperative with the members of this General Assembly in the preparation of bills and have rendered valuable assistance to the members of this General Assembly:

*Now, therefore, be it resolved by the Senate, the House of Representatives concurring:*

Appreciation ex-  
pressed to At-  
torney General  
McMullan, his  
assistants, and  
others.

SECTION 1. That we do express to the said Harry McMullan, Attorney General of the State of North Carolina, George B. Patton, Hughes J. Rhodes and W. J. Adams, Jr., Assistant Attorneys General, and members of the legal staff, M. B. Gillam, Jr., J. E. Tucker, Harry W. McGalliard, J. Bourke Bilisoly, Clifton Beckwith, Mrs. Graham F. Trott, Mrs. Sarah Starr Gillam and Catherine Paschal; and to the secretarial force, Mrs. Margaret York Wilson, Lillian Turner, Mrs. Carey Dowd, Marjorie Mann, Effie McLean English and Mrs. Robert B. Woodson, our deep, sincere, and grateful appreciation for their cordial, generous, and efficient services and assistance rendered to the members of the General Assembly of one thousand nine hundred and forty-three in the preparation and drafting of bills, and otherwise.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. R. 725

## RESOLUTION 35

A JOINT RESOLUTION TO AUTHORIZE THE GOVERNOR TO APPOINT A COMMISSION TO MAKE A STUDY OF THE PRINTING AND DISTRIBUTION OF PERIODICALS AND PERIODICAL REPORTS BY ALL INSTITUTIONS, DEPARTMENTS, COMMISSIONS, BUREAUS OR OTHER BRANCHES OF THE STATE GOVERNMENT.

Preamble:  
Periodicals and  
reports by State  
departments, in-  
stitutions, etc.

WHEREAS, practically every institution, department, commission, bureau or other branch of the State Government prints or publishes and distributes periodicals or periodical reports

relative to its operations and functions at great cost to the Treasury of the State; and

WHEREAS, many of these periodicals or periodical reports are duplicating one another and are of doubtful value, and a study of such periodicals and a report to the next General Assembly might result in a substantial saving to the public:

Many reports duplicated.

Study may result in saving to public.

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the Governor is hereby authorized to appoint a commission of three persons, who with the Assistant Director of the Budget, is, as soon as possible, to make a thorough study of the printing and distribution of all periodicals and/or periodical reports by all institutions, departments, commissions, bureaus or other branches of the State Government with a view to putting into immediate effect any savings that might be possible to achieve without legislation; and with a further view of making recommendations requiring legislation to the next General Assembly as to any savings that might be effected by way of such printing and distribution. Members of the commission shall receive seven dollars per day and actual expenses while engaged in actual meetings, it being hereby specified that said commission may not receive per diem compensation for more than ten days.

Commission authorized to make study of printing of reports and periodicals of State departments, etc.

Compensation of members.

SEC. 2. That such commission, after its appointment and after its study, shall report its findings to the Governor for transmission to the General Assembly at least thirty days before the convening of the one thousand nine hundred and forty-five session of the General Assembly.

Report to Governor.

Recommendations to General Assembly.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. R. 853                      RESOLUTION 36  
 A JOINT RESOLUTION EXPRESSING THE APPRECIATION OF THE GENERAL ASSEMBLY TO THE HONORABLE THAD EURE, SECRETARY OF STATE.

WHEREAS, the Honorable Thad Eure, Secretary of State, has rendered invaluable service to the members of the General Assembly; and

Preamble: Service of Honorable Thad Eure to members of General Assembly.

WHEREAS, he has given unstintingly of his time and energies in assisting members of the General Assembly in all ways possible, such as conducting the school on legislative procedure for new members and sending out lists of nominees to members prior to the election; and

Services to members.

N. C. Manual issued.

WHEREAS, he has issued a new North Carolina Manual, excellent in make-up and form, accurate as to detail, and containing a variety of valuable information; and

Cooperation with legislators.

WHEREAS, he has not only ably performed all his duties as Secretary of State but has with unfailing courtesy and kindness coöperated with the legislators in serving the people of this State:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

Appreciation to Secretary of State Eure expressed.

SECTION 1. That the General Assembly of North Carolina does hereby express to the Honorable Thad Eure, Secretary of State, its appreciation for the many fine services rendered to it and to the State by him.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

H. R. 855

RESOLUTION 37

A JOINT RESOLUTION EXPRESSING APPRECIATION OF THE MEMBERS OF THE GENERAL ASSEMBLY FOR THE SPLENDID SERVICES RENDERED BY MRS. EDNA JONES HARRELL, AND FOR THE COURTEOUS AND EFFICIENT SERVICES RENDERED BY THE PRESS AND BY MR. CARL GOERCH DURING THE ONE THOUSAND NINE HUNDRED AND FORTY-THREE SESSION OF THE GENERAL ASSEMBLY.

Preamble:

Assistance rendered to members of General Assembly by Mrs. Edna Jones Harrell in charge of telephone service.

WHEREAS, during this Session of the General Assembly, Mrs. Edna Jones Harrell has been in charge of the telephone service for the members of the General Assembly, and has at all times shown every consideration and courtesy to the members of the General Assembly, and has performed her duties in a most efficient and businesslike manner, and has rendered valuable assistance and aid to the General Assembly; and

Members of press have covered all sessions of General Assembly.

WHEREAS, during said Session the members of the press have at all times covered the sessions of the General Assembly in an able and impartial manner, and have shown every consideration and courtesy to the various members of the General Assembly; and

Service of Carl Goersch in informing people of State of happenings of Legislature.

WHEREAS, Mr. Carl Goersch has very ably and forcefully informed the people of North Carolina of important happenings and events during the Legislature, and has been fair and impartial in his presentation of the "doings" of the Legislature, and has shown courtesies to various members of the said body:

*Now, therefore, be it resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That we do hereby express to Mrs. Edna Jones Harrell, the members of the press, and to Mr. Carl Goerch our genuine, sincere and grateful appreciation for their efficient, cordial and generous services and courtesies rendered to the members of the General Assembly, and for their accuracy and diligence in their respective lines of endeavor in connection with the one thousand nine hundred and forty-three Session of the General Assembly.

Appreciation of General Assembly expressed to Mrs. Harrell and Mr. Goersch and members of press.

SEC. 2. That this Resolution shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

S. R. 351                      RESOLUTION 38

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON WEDNESDAY, MARCH TENTH, ONE THOUSAND NINE HUNDRED AND FORTY-THREE.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That both the Senate and House of Representatives, constituting the General Assembly of one thousand nine hundred and forty-three, do adjourn sine die on Wednesday, March tenth, one thousand nine hundred and forty-three, at noon.

Time for adjournment of General Assembly of 1943.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this Resolution shall be in force and effect from and after its ratification.

Ratified this the 10th day of March, 1943.

STATE OF NORTH CAROLINA

DEPARTMENT OF STATE

APRIL 2, 1943

I, THAD EURE, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

A handwritten signature in cursive script, reading "Thad Eure". The signature is written in dark ink and is positioned above a horizontal line.

*Secretary of State.*

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